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MASSACRE OF CHEYENNE INDIANS.

THIRTY-EIGHTH CONGRESS, SECOND SESSION.

CONGRESS OF THE UNITED STATES.

IN THE HOUSE OF REPRESENTATIVES, *January* 10, 1865.

On motion of Mr. Orth,

Resolved, That the Committee on the Conduct of the War be required to inquire into and report all the facts connected with the late attack of the third regiment of Colorado volunteers, under Colonel Chivington, on a village of the Cheyenne tribe of Indians, near Fort Lyon.

Attest: ——— ———, *Clerk.*

The Joint Committee on the Conduct of the War submit the following report:

In the summer of 1864 Governor Evans, of Colorado Territory, as acting superintendent of Indian affairs, sent notice to the various bands and tribes of Indians within his jurisdiction that such as desired to be considered friendly to the whites should at once repair to the nearest military post in order to be protected from the soldiers who were to take the field against the hostile Indians.

About the close of the summer, some Cheyenne Indians, in the neighborhood of the Smoke Hills, sent word to Major Wynkoop, the commandant of the post of Fort Lyon, that they had in their possession, and were willing to deliver up, some white captives they had purchased of other Indians. Major Wynkoop, with a force of over 100 men, visited those Indians and received the white captives. On his return he was accompanied by a number of the chiefs and leading men of the Indians, whom he had invited to visit Denver for the purpose of conferring with the authorities there in regard to keeping peace. Among them were Black Kettle and White Antelope of the Cheyennes, and some chiefs of the Arapahoes. The council was held, and these chiefs stated that they were friendly to the whites, and always had been, and that they desired peace. Governor Evans and Colonel Chivington, the commander of that military district, advised them to repair to Fort Lyon and submit to whatever terms the military commander there should impose. This was done by the Indians, who were treated somewhat as prisoners of war, receiving rations, and being obliged to remain within certain bounds.

All the testimony goes to show that the Indians, under the immediate control of Black Kettle and White Antelope of the Cheyennes, and Left Hand of the Arapahoes, were and had been friendly to the whites, and had not been guilty of any acts of hostility or depredation. The Indian agents, the Indian interpreter and others examined by your committee, all testify to the good character of those Indians. Even Governor Evans and Major Anthony, though evidently willing to convey to your committee a false impression of the character of those Indians, were forced, in spite of their prevarication, to admit that they knew of nothing they had done which rendered them deserving of punishment.

A northern band of the Cheyennes, known as the Dog Soldiers, had been guilty of acts of hostility; but all the testimony goes to prove that they had no connexion with Black Kettle's band, but acted in despite of his authority and influence. Black Kettle and his band denied all connexion with or responsibility for the Dog Soldiers, and Left Hand and his band of Arapahoes were equally friendly.

These Indians, at the suggestion of Governor Evans and Colonel Chivington, repaired to Fort Lyon and placed themselves under the protection of Major Wynkoop. They were led to believe that they were regarded in the light of friendly Indians, and would be treated as such so long as they conducted themselves quietly.

The treatment extended to those Indians by Major Wynkoop does not seem to have satisfied those in authority there, and for some cause, which does not appear, he was removed, and Major Scott J. Anthony was assigned to the command of Fort Lyon; but even Major Anthony seems to have found it difficult at first to pursue any different course towards the Indians he found there. They were entirely within the power of the military. Major Anthony having demanded their arms, which they surrendered to him, they conducted themselves quietly, and in every way manifested a disposition to remain at peace with the whites. For a time even he continued issuing rations to them as Major Wynkoop had done; but it was determined by Major Anthony (whether upon his own motion or at the suggestion of others does not appear) to pursue a different course towards these friendly Indians. They were called together and told that rations could no longer be issued to them, and they had better go where they could obtain subsistence by hunting. At the suggestion of Major Anthony (and from one in his position a suggestion was equivalent to a command) these Indians went to a place on Sand creek, about thirty-five miles from Fort Lyon, and there established their camp, their arms being restored to them. He told them that he then had no authority to make peace with them; but in case he received such authority he would inform them of it. In his testimony he says:

"I told them they might go back on Sand creek, or between there and the headwaters of the Smoky Hill, and remain there until I received instructions from the department headquarters, from General Curtis; and that in case I did receive any authority to make peace with them I would go right over and let them know it. *I did*

not state to them that I would give them notice in case we intended to attack them. They went away with that understanding, that in case I received instructions from department headquarters I was to let them know it."

And in order, as it were, to render these Indians less apprehensive of any danger, One Eye, a Cheyenne chief, was allowed to remain with them to obtain information for the use of the military authorities. He was employed at $125 a month, and several times brought to Major Anthony, at Fort Lyon, information of proposed movements of other and hostile bands. Jack Smith, a half-breed son of John S. Smith, an Indian interpreter, employed by the government, was also there for the same purpose. A United States soldier was allowed to remain there, and two days before the massacre Mr. Smith, the interpreter, was permitted to go there with goods to trade with the Indians. Everything seems to have been done to remove from the minds of these Indians any fear of approaching danger; and when Colonel Chivington commenced his movement he took all the precautions in his power to prevent these Indians learning of his approach. For some days all travel on that route was forcibly stopped by him, not even the mail being allowed to pass. On the morning of the 28th of November he appeared at Fort Lyon with over 700 mounted men and two pieces of artillery. One of his first acts was to throw a guard around the post to prevent any one leaving it. At this place Major Anthony joined him with 125 men and two pieces of artillery.

On the night of the 28th the entire party started from Fort Lyon, and, by a forced march, arrived at the Indian camp, on Sand creek, shortly after daybreak. This Indian camp consisted of about 100 lodges of Cheyennes, under Black Kettle, and from 8 to 10 lodges of Arapahoes under Left Hand. It is estimated that each lodge contained five or more persons, and that more than one-half were women and children.

Upon observing the approach of the soldiers, Black-Kettle, the head chief, ran up to the top of his lodge an American flag, which had been presented to him some years before by Commissioner Greenwood, with a small white flag under it, as he had been advised to do in case he met with any troops on the prairies. Mr. Smith, the interpreter, supposing they might be strange troops, unaware of the character of the Indians encamped there, advanced from his lodge to meet them, but was fired upon, and returned to his lodge.

And then the scene of murder and barbarity began—men, women, and children were indiscriminately slaughtered. In a few minutes all the Indians were flying over the plain in terror and confusion. A few who endeavored to hide themselves under the bank of the creek were surrounded and shot down in cold blood, offering but feeble resistance. From the sucking babe to the old warrior, all who were overtaken were deliberately murdered. Not content with killing women and children, who were incapable of offering any resistance, the soldiers indulged in acts of barbarity of the most revolting char-

acter; such, it is to be hoped, as never before disgraced the acts of men claiming to be civilized. No attempt was made by the officers to restrain the savage cruelty of the men under their command, but they stood by and witnessed these acts without one word of reproof, if they did not incite their commission. For more than two hours the work of murder and barbarity was continued, until more than one hundred dead bodies, three-fourths of them of women and children, lay on the plain as evidences of the fiendish malignity and cruelty of the officers who had so sedulously and carefully plotted the massacre, and of the soldiers who had so faithfully acted out the spirit of their officers.

It is difficult to believe that beings in the form of men, and disgracing the uniform of United States soldiers and officers, could commit or countenance the commission of such acts of cruelty and barbarity as are detailed in the testimony, but which your committee will not specify in their report. It is true that there seems to have existed among the people inhabiting that region of country a hostile feeling towards the Indians. Some of the Indians had committed acts of hostility towards the whites; but no effort seems to have been made by the authorities there to prevent these hostilities, other than by the commission of even worse acts. The hatred of the whites to the Indians would seem to have been inflamed and excited to the utmost; the bodies of persons killed at a great distance—whether by Indians or not, is not certain—were brought to the capital of the Territory and exposed to the public gaze for the purpose of inflaming still more the already excited feeling of the people. Their cupidity was appealed to, for the governor in a proclamation calls upon all, "either individually or in such parties as they may organize," "to kill and destroy as enemies of the country, wherever they may be found, all such hostile Indians," authorizing them to "hold to their own private use and benefit all the property of said hostile Indians that they may capture." What Indians he would ever term friendly it is impossible to tell. His testimony before your committee was characterized by such prevarication and shuffling as has been shown by no witness they have examined during the four years they have been engaged in their investigations; and for the evident purpose of avoiding the admission that he was fully aware that the Indians massacred so brutally at Sand creek, were then, and had been, actuated by the most friendly feelings towards the whites, and had done all in their power to restrain those less friendly disposed.

The testimony of Major Anthony, who succeeded an officer disposed to treat these Indians with justice and humanity, is sufficient of itself to show how unprovoked and unwarranted was this massacre. He testifies that he found these Indians in the neighborhood of Fort Lyon when he assumed command of that post; that they professed their friendliness to the whites, and their willingness to do whatever he demanded of them; that they delivered their arms up to him; that they went to and encamped upon the place designated by him; that they gave him information from time to time of acts of hostility which were meditated by other and hostile bands, and in every way conducted

themselves properly and peaceably, and yet he says it was fear and not principle which prevented his killing them while they were completely in his power. And when Colonel Chivington appeared at Fort Lyon, on his mission of murder and barbarity, Major Anthony made haste to accompany him with men and artillery, although Colonel Chivington had no authority whatever over him.

As to Colonel Chivington, your committee can hardly find fitting terms to describe his conduct. Wearing the uniform of the United States, which should be the emblem of justice and humanity; holding the important position of commander of a military district, and therefore having the honor of the government to that extent in his keeping, he deliberately planned and executed a foul and dastardly massacre which would have disgraced the veriest savage among those who were the victims of his cruelty. Having full knowledge of their friendly character, having himself been instrumental to some extent in placing them in their position of fancied security, he took advantage of their inapprehension and defenceless condition to gratify the worst passions that ever cursed the heart of man. It is thought by some that desire for political preferment prompted him to this cowardly act; that he supposed that by pandering to the inflamed passions of an excited population he could recommend himself to their regard and consideration. Others think it was to avoid the being sent where there was more of danger and hard service to be performed; that he was willing to get up a show of hostility on the part of the Indians by committing himself acts which savages themselves would never premeditate. Whatever may have been his motive, it is to be hoped that the authority of this government will never again be disgraced by acts such as he and those acting with him have been guilty of committing.

There were *hostile* Indians not far distant, against which Colonel Chivington could have led the force under his command. Major Anthony testifies that but three or four days' march from his post were several hundreds of Indians, generally believed to be engaged in acts of hostility towards the whites. And he deliberately testifies that only the fear of them prevented him from killing those who were friendly and entirely within his reach and control. It is true that to reach them required some days of hard marching. It was not to be expected that they could be surprised as easily as those on Sand creek; and the warriors among them were almost, if not quite, as numerous as the soldiers under the control of Colonel Chivington. Whatever influence this may have had upon Colonel Chivington, the truth is that he surprised and murdered, in cold blood, the unsuspecting men, women, and children on Sand creek, who had every reason to believe they were under the protection of the United States authorities, and then returned to Denver and boasted of the brave deeds he and the men under his command had performed.

The Congress of the United States, at its last session, authorized the appointment of a commission to investigate all matters relating to the administration of Indian affairs within the limits of the United States. Your committee most sincerely trust that the result of their

inquiry will be the adoption of measures which will render impossible the employment of officers, civil and military, such as have heretofore made the administration of Indian affairs in this country a byword and reproach.

In conclusion, your committee are of the opinion that for the purpose of vindicating the cause of justice and upholding the honor of the nation, prompt and energetic measures should be at once taken to remove from office those who have thus disgraced the government by whom they are employed, and to punish, as their crimes deserve, those who have been guilty of these brutal and cowardly acts.

Respectfully submitted.

B. F. WADE, *Chairman.*

NOTE.—See journal of committee, May 4, 1865.

MASSACRE OF CHEYENNE INDIANS.

Testimony of Mr. Jesse H. Leavenworth.

WASHINGTON, *March* 13, 1865.

Mr. JESSE H. LEAVENWORTH sworn and examined.

By the chairman:

Question. Where do you reside?

Answer. My home is in the city of Milwaukee, Wisconsin; but I am the Indian agent of the Kiowas, Camanches, and Apache Indians, who roam over the plains between Fort Larned, on the Sante Fé road, and the borders of Mexico, through the western part of Texas.

Question. What do you know about the band of Indians said to have been massacred by a force of troops under Colonel Chivington, of Colorado?

Answer. I am perfectly acquainted with them. I have known them intimately since 1862. Being in command of that southwestern frontier, I have constantly had occasion to come in contact with them.

Question. What is that band called?

Answer. That band is called the Cheyennes; but there were also ten lodges of Arapahoes with them. Their reservation is on the Arkansas river, commencing at the Big Timbers and extending up the river ninety miles, and bounded on the north by the Big Sandy. Fort Lyon is situated upon their reservation.

Question. Is this in the Territory of Colorado?

Answer. Yes, sir. Fort Lyon was my headquarters for nearly two years, and I had occasion to meet these Indians almost daily. The chiefs Black Kettle, White Antelope, and Big Jake have travelled with me hundreds and hundreds of miles. Left Hand, the second chief of the Arapahoes, and Little Raven, the first chief of the Arapahoes, have been with me on scouts and in my camps for months together. Left Hand was killed by Chivington; so I am told by the agent and by others. His lodge happened to be one of the ten. A year ago Little Raven requested me to try and get the military removed from his reservation, which I did, through Mr. H. P. Bennet. You will see the correspondence in the report of the Commissioner of Indian Affairs for 1864. I can say that they were always friendly. They have often stated to me that they would not fight the whites under any circumstances. Left Hand particularly has said that the whites might murder their men and do anything they pleased to them, but they would never fight the whites.

Question. What caused our troops to make this attack upon them?

Answer. I do not know the immediate cause of Colonel Chivington attacking this village. I know that a year ago this spring Major Waller, of the regular army, crossed the plains and passed the reservation of the Cheyennes and Arapahoes; and he communicated to the Indian department that if Colonel Chivington was not stopped in his course of hunting down these Indians it would get us into a war that would cost us millions of dollars. I also saw from the reports in the papers that Lieutenant Ayres was hunting these Indians from camp to camp. Knowing their disposition, and knowing Lieutenant Ayres, having

appointed him myself as a lieutenant, I stated to the Indian department that if Colonel Chivington was not stopped in his course of sending Lieutenant Ayres after these Indians we should get into a general Indian war on the frontier.

Question. What was their object in hunting these Indians? what cause was there for it?

Answer. I could tell you the ostensible cause, but the real cause is beyond my knowledge. Colonel Chivington was ordered by General Curtis to rendezvous his forces last spring in the southeast part of Colorado for the ostensible purpose of making a raid into Texas. But, as they claimed, the Indian difficulties prevented him from doing so, and he kept his troops there hunting these Indians.

Question. You say that these Indians were of a remarkably friendly disposition?

Answer. Yes, sir.

Question. And inoffensive towards our people?

Answer. There never were two bands of Indians more friendly to the whites than Black Kettle's band and White Antelope's band, and One Eye, who was also killed in this massacre.

Question. Where were you when this massacre took place?

Answer. I was between Fort Leavenworth and the Camanche country, trying to meet the wild tribes of which I was appointed the agent. I found it very difficult to get to them. Little Raven had escaped from the massacre and got into the Camanche country. He was half a Camanche himself, speaking their language well, and is now with the Camanches with his band, and is one of the best men there. I am begging protection for him, if I can get to him.

Question. Can you state anything more in regard to this massacre?

Answer. I do not know anything positively, because I was not there; but I have my information from persons who were present. One of them, Captain Smith, is in this city now. He was there trading under the authority of Major Anthony; and I think Major Anthony is also in this city. He was second in command in that expedition. From them you can get more reliable information than I can give you, for mine is hearsay. I only know that these Indians were of a most friendly disposition. Mr. D. D. Colley is also here; he has been a trader in their camp for two years. His father, Major Colley, is their agent, and knows them intimately; better, if anything, than I do.

Question. Do you know whether these Indians had ever committed any depredations upon the whites?

Answer. I was not aware that they had; not this particular band.

Testimony of Mr. John S. Smith.

WASHINGTON, *March* 14, 1865.

Mr. JOHN S. SMITH sworn and examined.

By Mr. Gooch:

Question. Where is your place of residence?

Answer. Fort Lyon, Colorado.

Question. What is your occupation?

Answer. United States Indian interpreter and special Indian agent.

Question. Will you state to the committee all that you know in relation to the attack of Colonel Chivington upon the Cheyenne and Arapahoe Indians in November last?

Answer. Major Anthony was in command at Fort Lyon at the time. Those Indians had been induced to remain in the vicinity of Fort Lyon, and were promised protection by the commanding officer at Fort Lyon. The commanding officer saw proper to keep them some thirty or forty miles distant from the fort, for fear of some conflict between them and the soldiers or the travelling population, for Fort Lyon is on a great thoroughfare. He advised them to go out on what is called Sand creek, about forty miles, a little east of north from Fort Lyon. Some days after they had left Fort Lyon, when I had just recovered from a long spell of sickness, I was called on by Major S. G. Colley, who asked me if I was able and willing to go out and pay a visit to these Indians, ascertain their numbers, their general disposition toward the whites, and the points where other bands might be located in the interior.

Question. What was the necessity for obtaining that information?

Answer. Because there were different bands which were supposed to be at war; in fact, we knew at the time that they were at war with the white population in that country; but this band had been in and left the post perfectly satisfied. I left to go to this village of Indians on the 26th of November last. I arrived there on the 27th and remained there the 28th. On the morning of the 29th, between daylight and sunrise—nearer sunrise than daybreak—a large number of troops were discovered from three-quarters of a mile to a mile below the village. The Indians, who discovered them, ran to my camp, called me out, and wanted me to go and see what troops they were, and what they wanted. The head chief of the nation, Black Kettle, and head chief of the Cheyennes, was encamped there with us. Some years previous he had been presented with a fine American flag by Colonel Greenwood, a commissioner, who had been sent out there. Black Kettle ran this American flag up to the top of his lodge, with a small white flag tied right under it, as he had been advised to do in case he should meet with any troops out on the prairies. I then left my own camp and started for that portion of the troops that was nearest the village, supposing I could go up to them. I did not know but they might be strange troops, and thought my presence and explanations could reconcile matters. Lieutenant Wilson was in command of the detachment to which I tried to make my approach; but they fired several volleys at me, and I returned back to my camp and entered my lodge.

Question. Did these troops know you to be a white man?

Answer. Yes, sir; and the troops that went there knew I was in the village.

Question. Did you see Lieutenant Wilson, or were you seen by him?

Answer. I cannot say I was seen by him; but his troops were the first to fire at me.

Question. Did they know you to be a white man?

Answer. They could not help knowing it. I had on pants, a soldier's overcoat, and a hat such as I am wear ng now. I was dressed differently from any Indian in the country. On my return I entered my lodge, not expecting to get out of it alive. I had two other men there with me: one was David Louderbach, a soldier, belonging to company G, 1st Colorado cavalry; the other, a man by the name of Watson, who was a hired hand of Mr. D. D. Colley, the son of Major Colley, the agent.

After I had left my lodge to go out and see what was going on, Colonel Chivington rode up to within fifty or sixty yards of where I was camped; he recognized me at once. They all call me Uncle John in that country. He said, "Run here, Uncle John; you are all right." I went to him as fast as I could. He told me to get in between him and his troops, who were then coming up very fast; I did so; directly another officer who knew me—Lieutenant Baldwin, in command of a battery—tried to assist me to get a horse; but there was no loose horse there at the time. He said, "Catch hold of the caisson, and keep up with us."

By this time the Indians had fled; had scattered in every direction. The troops were some on one side of the river and some on the other, following up the Indians. We had been encamped on the north side of the river; I followed along, holding on the caisson, sometimes running, sometimes walking. Finally, about a mile above the village, the troops had got a parcel of the Indians hemmed in under the bank of the river; as soon as the troops overtook them, they commenced firing on them; some troops had got above them, so that they were completely surrounded. There were probably a hundred Indians hemmed in there, men, women, and children; the most of the men in the village escaped.

By the time I got up with the battery to the place where these Indians were surrounded there had been some considerable firing. Four or five soldiers had been killed, some with arrows and some with bullets. The soldiers continued firing on these Indians, who numbered about a hundred, until they had almost completely destroyed them. I think I saw altogether some seventy dead bodies lying there; the greater portion women and children. There may have been thirty warriors, old and young; the rest were women and small children of different ages and sizes.

The troops at that time were very much scattered. There were not over two hundred troops in the main fight, engaged in killing this body of Indians under the bank. The balance of the troops were scattered in different directions, running after small parties of Indians who were trying to make their escape. I did not go to see how many they might have killed outside of this party under the bank of the river. Being still quite weak from my last sickness, I returned with the first body of troops that went back to the camp.

The Indians had left their lodges and property; everything they owned. I do not think more than one-half of the Indians left their lodges with their arms. I think there were between 800 and 1,000 men in this command of United States troops. There was a part of three companies of the 1st Colorado, and the balance were what were called 100-days men of the 3d regiment. I am not able to say which party did the most execution on the Indians, because it was very much mixed up at the time.

We remained there that day after the fight. By 11 o'clock, I think, the entire number of soldiers had returned back to the camp where Colonel Chivington had returned. On their return he ordered the soldiers to destroy all the Indian property there, which they did, with the exception of what plunder they took away with them, which was considerable.

Question. How many Indians were there there?

Answer. There were 100 families of Cheyennes, and some six or eight lodges of Arapahoes.

Question. How many persons in all, should you say?

Answer. About 500; we estimate them at five to a lodge.

Question. 500 men, women, and children?

Answer. Yes, sir.

Question. Do you know the reason for that attack on the Indians?

Answer. I do not know any exact reason. I have heard a great many reasons given. I have heard that that whole Indian war had been brought on for selfish purposes. Colonel Chivington was running for Congress in Colorado, and there were other things of that kind; and last spring a year ago he was looking for an order to go to the front, and I understand he had this Indian war in view to retain himself and his troops in that country, to carry out his electioneering purposes.

Question. In what way did this attack on the Indians further the purpose of Colonel Chivington?

Answer. It was said—I did not hear him say it myself, but it was said that he would do something; he had this regiment of three-months men, and did not want them to go out without doing some service. Now he had been told re-

peatedly by different persons—by myself, as well as others—where he could find the hostile bands.

The same chiefs who were killed in this village of Cheyennes had been up to see Colonel Chivington in Denver but a short time previous to this attack. He himself told them that he had no power to treat with them; that he had received telegrams from General Curtis directing him to fight all Indians he met with in that country. Still he would advise them, if they wanted any assistance from the whites, to go to their nearest military post in their country, give up their arms and the stolen property, if they had any, and then they would receive directions in what way to act. This was told them by Colonel Chivington and by Governor Evans, of Colorado. I myself interpreted for them and for the Indians.

Question. Did Colonel Chivington hold any communication with these Indians, or any of them, before making the attack upon them?

Answer. No, sir, not then. He had some time previously held a council with them at Denver city. When we first recovered the white prisoners from the Indians, we invited some of the chiefs to go to Denver, inasmuch as they had sued for peace, and were willing to give up these white prisoners. We promised to take the chiefs to Denver, where they had an interview with men who had more power than Major Wynkoop had, who was the officer in command of the detachment that went out to recover these white prisoners. Governor Evans and Colonel Chivington were in Denver, and were present at this council. They told the Indians to return with Major Wynkoop, and whatever he agreed on doing with them would be recognized by them.

I returned with the Indians to Fort Lyon. There we let them go out to their villages to bring in their families, as they had been invited through the proclamation or circular of the governor during the month of June, I think. They were gone some twelve or fifteen days from Fort Lyon, and then they returned with their families. Major Wynkoop had made them one or two issues of provisions previous to the arrival of Major Anthony there to assume command. Then Major Wynkoop, who is now in command at Fort Lyon, was ordered to Fort Leavenworth on some business with General Curtis, I think.

Then Major Anthony, through me, told the Indians that he did not have it in his power to issue rations to them, as Major Wynkoop had done. He said that he had assumed command at Fort Lyon, and his orders were positive from headquarters to fight the Indians in the vicinity of Fort Lyon, or at any other point in the Territory where they could find them. He said that he had understood that they had been behaving very badly. But on seeing Major Wynkoop and others there at Fort Lyon, he was happy to say that things were not as had been represented, and he could not pursue any other course than that of Major Wynkoop, except the issuing rations to them. He then advised them to go out to some near point, where there was buffalo, not too far from Fort Lyon, or they might meet with troops from the Platte, who would not know them from the hostile bands. This was the southern band of Cheyennes; there is another band called the northern band. They had no apprehensions in the world of any trouble with the whites at the time this attack was made.

Question. Had there been, to your knowledge, any hostile act or demonstration on the part of these Indians, or any of them?

Answer. Not in this band. But the northern band, the band known by the name of Dog soldiers of Cheyennes, had committed many depredations on the Platte.

Question Do you know whether or not Colonel Chivington knew the friendly character of these Indians before he made the attack upon them?

Answer. It is my opinion that he did.

Question. On what is that opinion based?

Answer. On this fact, that he stopped all persons from going on ahead of him.

He stopped the mail, and would not allow any person to go on ahead of him at the time he was on his way from Denver city to Fort Lyon. He placed a guard around old Colonel Bent, the former agent there; he stopped a Mr. Hagues and many men who were on their way to Fort Lyon. He took the fort by surprise, and as soon as he got there he posted pickets all around the fort, and then left at 8 o'clock that night for this Indian camp.

Question. Was that anything more than the exercise of ordinary precaution in following Indians?

Answer. Well, sir, he was told that there were no Indians in the vicinity of Fort Lyon, except Black Kettle's band of Cheyennes and Left Hand's band of Arapahoes.

Question. How do you know that?

Answer. I was told so.

By Mr. Buckalew:

Question. Do you know it of your own knowledge?

Answer. I cannot say I do.

Question. You did not talk with him about it before the attack?

Answer. No, sir.

By Mr. Gooch:

Question. When you went out to him, you had no opportunity to hold intercourse with him?

Answer. None whatever; he had just commenced his fire against the Indians.

Question. Did you have any communication with him at any time while there?

Answer. Yes, sir.

Question. What was it?

Answer. He asked me many questions about a son of mine, who was killed there afterwards. He asked me what Indians were there, what chiefs; and I told him as fully as I knew.

By Mr. Buckalew:

Question. When did you talk with him?

Answer. On the day of the attack. He asked me many questions about the chiefs who were there, and if I could recognize them if I saw them. I told him it was possible I might recollect the principal chiefs. They were terribly mutilated, lying there in the water and sand; most of them in the bed of the creek, dead and dying, making many struggles. They were so badly mutilated and covered with sand and water that it was very hard for me to tell one from another. However, I recognized some of them—among them the chief One Eye, who was employed by our government at $125 a month and rations to remain in the village as a spy. There was another called War Bonnet, who was here two years ago with me. There was another by the name of Standing-in-the-Water, and I supposed Black Kettle was among them, but it was not Black Kettle. There was one there of his size and dimensions in every way, but so tremendously mutilated that I was mistaken in him. I went out with Lieutenant Colonel Bowen, to see how many I could recognize.

By Mr. Gooch:

Question. Did you tell Colonel Chivington the character and disposition of these Indians at any time during your interviews on this day?

Answer. Yes, sir.

Question. What did he say in reply?

Answer. He said he could not help it; that his orders were positive to attack the Indians.

Question. From whom did he receive these orders?

Answer. I do not know; I presume from General Curtis.

Question. Did he tell you?

Answer. Not to my recollection.

Question. Were the women and children slaughtered indiscriminately, or only so far as they were with the warriors?

Answer. Indiscriminately.

Question. Were there any acts of barbarity perpetrated there that came under your own observation?

Answer. Yes, sir; I saw the bodies of those lying there cut all to pieces, worse mutilated than any I ever saw before; the women cut all to pieces.

By Mr. Buckalew:

Question. How cut?

Answer. With knives; scalped; their brains knocked out; children two or three months old; all ages lying there, from sucking infants up to warriors.

By Mr. Gooch:

Question. Did you see it done?

Answer. Yes, sir; I saw them fall.

Question. Fall when they were killed?

Answer. Yes, sir.

Question. Did you see them when they were mutilated?

Answer. Yes, sir.

Question. By whom were they mutilated?

Answer. By the United States troops.

Question. Do you know whether or not it was done by the direction or consent of any of the officers?

Answer. I do not; I hardly think it was.

By Mr. Buckalew:

Question. What was the date of that massacre?

Answer. On the 29th of November last.

Question. Did you speak of these barbarities to Colonel Chivington?

Answer. No, sir; I had nothing at all to say about it, because at that time they were hostile towards me, from the fact of my being there. They probably supposed that I might be compromised with them in some way or other.

Question. Who called on you to designate the bodies of those who were killed?

Answer. Colonel Chivington himself asked me if I would ride out with Lieutenant Colonel Bowen, and see how many chiefs or principal men I could recognize.

Question. Can you state how many Indians were killed—how many women and how many children?

Answer. Perhaps one-half were men, and the balance were women and children. I do not think that I saw more than 70 lying dead then, as far as I went. But I saw parties of men scattered in every direction, pursuing little bands of Indians.

Question. What time of day or night was this attack made?

Answer. The attack commenced about sunrise, and lasted until between 10 and 11 o'clock.

Question. How large a body of troops?

Answer. From 800 to 1,000 men.

By Mr. Gooch:

Question. What amount of resistance did the Indians make?

Answer. I think that probably there may have been about 60 or 70 warriors who were armed and stood their ground and fought. Those that were unarmed got out of the way as they best could.

Question. How many of our troops were killed, and how many wounded?

Answer. There were ten killed on the ground, and thirty-eight wounded; four of the wounded died at Fort Lyon before I came on east.

Question. Were there any other barbarities or atrocities committed there other than those you have mentioned, that you saw?

Answer. Yes, sir; I had a half-breed son there, who gave himself up. He started at the time the Indians fled; being a half-breed he had but little hope of being spared, and seeing them fire at me, he ran away with the Indians for the distance of about a mile. During the fight up there he walked back to my camp and went into the lodge. It was surrounded by soldiers at the time. He came in quietly and sat down; he remained there that day, that night, and the next day in the afternoon; about four o'clock in the evening, as I was sitting inside the camp, a soldier came up outside of the lodge and called me by name. I got up and went out; he took me by the arm and walked towards Colonel Chivington's camp, which was about sixty yards from my camp. Said he, "I am sorry to tell you, but they are going to kill your son Jack." I knew the feeling towards the whole camp of Indians, and that there was no use to make any resistance. I said, "I can't help it." I then walked on towards where Colonel Chivington was standing by his camp-fire; when I had got within a few feet of him I heard a gun fired, and saw a crowd run to my lodge, and they told me that Jack was dead.

Question. What action did Colonel Chivington take in regard to that matter?

Answer. Major Anthony, who was present, told Colonel Chivington that he had heard some remarks made, indicating that they were desirous of killing Jack; and that he (Colonel Chivington) had it in his power to save him, and that by saving him he might make him a very useful man, as he was well acquainted with all the Cheyenne and Arapahoe country, and he could be used as a guide or interpreter. Colonel Chivington replied to Major Anthony, as the Major himself told me, that he had no orders to receive and no advice to give. Major Anthony is now in this city.

By Mr. Buckalew:

Question. Did Chivington say anything to you, or you to him, about the firing?

Answer. Nothing directly; there were a number of officers sitting around the fire, with the most of whom I was acquainted.

Question. Was there any business to transact at Chivington's camp when you were brought there?

Answer. None with me; except that I was invited to go there and remain in that camp, as I might be considered in danger of losing my life if I was away from there.

By Mr. Gooch:

Question. Were there any other Indians or half-breeds there at that time?

Answer. Yes, sir; Mr. Bent had three sons there; one employed as a guide for these troops at the time, and two others living there in the village with the Indians; and a Mr. Gerry had a son there.

Question. Were there any other murders after the first day's massacre?

Answer. There was none, except of my son.

Question. Were there any other atrocities which you have not mentioned?

Answer. None that I saw myself. There were two women that white men had families by; they were saved from the fact of being in my lodge at the time. One ran to my lodge; the other was taken prisoner by a soldier who knew her and brought her to my lodge for safety. They both had children. There were some small children, six or seven years old, who were taken prisoners near the camp. I think there were three of them taken to Denver with these troops.

Question. Were the women and children that were killed, killed during the fight with the Indians?

Answer. During the fight, or during the time of the attack.

Question. Did you see any women or children killed after the fight was over?
Answer. None.
Question. Did you see any Indians killed after the fight was over?
Answer. No, sir.

By Mr. Buckalew:

Question. Were the warriors and women and children all huddled together when they were attacked?
Answer. They started and left the village altogether, in a body, trying to escape.

By Mr. Gooch:

Question. Do you know anything as to the amount of property that those Indians had there?
Answer. Nothing more than their horses. They were supposed to own ten horses and mules to a lodge; that would make about a thousand head of horses and mules in that camp. The soldiers drove off about six hundred head.
Question. Had they any money?
Answer. I understood that some of the soldiers found some money, but I did not see it. Mr. D. D. Colley had some provisions and goods in the village at the time, and Mr. Louderback and Mr. Watson were employed by him to trade there. I was to interpret for them, direct them, and see that they were cared for in the village. They had traded for one hundred and four buffalo robes, one fine mule, and two horses. This was all taken away from them. Colonel Chivington came to me and told me I might rest assured that he would see the goods paid for. He had confiscated these buffalo robes for the dead and wounded; and there was also some sugar and coffee and tea taken for the same purpose.
I would state that in his report Colonel Chivington states that after this raid on Sand creek against the Cheyenne and Arapahoe Indians he travelled northeast some eighty miles in the direction of some hostile bands of Sioux Indians. Now that is very incorrect, according to my knowledge of matters; I remained with Colonel Chivington's camp, and returned on his trail towards Fort Lyon from the camp where he made this raid. I went down with him to what is called the forks of the Sandy. He then took a due south course for the Arkansas river, and I went to Fort Lyon with the killed and wounded, and an escort to take us in. Colonel Chivington proceeded down the Arkansas river, and got within eleven miles of another band of Arapahoe Indians, but did not succeed in overtaking them. He then returned to Fort Lyon, re-equipped, and started immediately for Denver.
Question. Have you spent any considerable portion of your life with the Indians?
Answer. The most of it.
Question. How many years have you been with the Indians?
Answer. I have been twenty seven successive years with the Cheyennes and Arapahoes. Before that I was in the country as a trapper and hunter in the Rocky mountains.
Question. For how long time have you acted as Indian interpreter?
Answer. For some fifteen or eighteen years.
Question. By whom have you been so employed?
Answer. By Major Fitzpatrick, Colonel Bent, Major Colley, Colonel J. W. Whitfield, and a great deal of the time for the military as guide and interpreter?

By Mr. Buckalew:

Question. How many warriors were estimated in Colonel Chivington's report as having been in this Indian camp?
Answer. About nine hundred.

Question. How many were there?

Answer. About two hundred warriors; they average about two warriors to a lodge, and there were about one hundred lodges.

Testimony of Captain S. M. Robbins.

WASHINGTON, *March* 14, 1865.

Captain S. M. ROBBINS sworn and examined.

By Mr. Gooch:

Question. What is your position in the army?

Answer. I am a captain of the 1st Colorado cavalry.

Question. Were you with Colonel Chivington at the time of the attack on the Cheyenne Indians, in November last?

Answer. I was not.

Question. Have you any knowledge relating to that attack?

Answer. I have no personal knowlege of anything that transpired at Sand creek.

Question. Have you any knowledge in relation to matters connected with that massacre?

Answer. I know about the Indian difficulties in that country, but nothing with regard to that particular difficulty.

Question. What do you know about that campaign?

Answer. I only know that a campaign was organized against the Indians.

By Mr. Loan:

Question. What Indians?

Answer. The Cheyennes and Arapahoes, and all others that were hostile, or were supposed to be hostile.

By Mr. Gooch:

Question. Do you know under what orders Colonel Chivington was acting?

Answer. No, sir. I never saw any orders. I suppose that he acted under the authority of the department commander, General Curtis; but I know nothing positively about that.

Question. Where were you at the time of this attack?

Answer. In the city of Denver, Colorado.

By Mr. Loan:

Question. Who was the district commander at Denver?

Answer. Colonel Chivington was.

Question. You were on his staff?

Answer. Yes, sir.

Question. In what capacity?

Answer. Chief of cavalry.

Question. What was the character of these Cheyenne Indians on Sand creek?

Answer. I do not know.

Question. Do you know whether they were hostile or friendly?

Answer. I saw a portion of their chiefs in the city of Denver, some two months before this action, or massacre, or assault took place. They came there under an escort furnished by Major Wynkoop. They came for the purpose of holding a consultation with the governor, who I believe is acting superintendent of Indian affairs there. They were all the tribe I ever saw.

Question. What bands were killed there?

Answer. The Cheyennes and Arapahoes?

Question. What particular bands of these Indians?

Answer. I merely know from hearsay the names of those chiefs.

Question. As chief of cavalry, on Colonel Chivington's staff, do you know anything of the orders General Curtis sent him in regard to this matter?

Answer. No, sir.

Question. Do you know anything about the organization of the force that went out under Colonel Chivington?

Answer. I do.

Question. State it.

Answer. It was organized by direction of the Secretary of War, for the purpose of operating in that country against the Indians. It was a hundred-days regiment.

Question. Was Colonel Chivington the colonel of it?

Answer. No, sir; Colonel George H. Shoup was the colonel of it. There was great difficulty in furnishing the horses and ordnance stores necessary to mount and equip the regiment. Two months of their time had expired before they were ready to move. They moved from that point about the first of November. And on the 29th of November, I think, this action was fought, or this massacre was made, at Sand creek.

Question. At what time did Colonel Chivington join this command, and what other troops had he with him?

Answer. He joined the command in person, I should think about the 15th of November, and had with him part of six companies of the 1st regiment of Colorado volunteers.

Question. What was his whole force?

Answer. I should judge about 700 men.

Question. The regiment of hundred-days men, and the battalion of 1st Colorado volunteers?

Answer. The whole of the hundred-days regiment were not there. They were not all mounted.

Question. Will you state a little further about the Indians that came into Denver with Major Wynkoop? What was the object of their coming in?

Answer. For some time previous there had been massacres of whites, in the vicinity of Denver, by Indians, as we supposed, and prisoners were taken. Some time in August or September Major Wynkoop, commanding at Fort Lyon, received information from the Indians in the vicinity of Smoky Hill that they had some white prisoners whom they were anxious to give up, or exchange for two Indians that were with one of our companies as scouts. At all events, this communication from the Indians induced Major Wynkoop to take 150 men and two or three pieces of artillery and go out there. He went out there, and, as I understood, when he came back he brought the white prisoners the Indians had held, and a number of their principal chiefs came with him to Denver—out of the district in which Major Wynkoop was serving into the district of Colorado. There they had a consultation with Governor Evans, of Colorado, Colonel Chivington, and other prominent and leading men. The Indians made statements, which I heard interpreted by Mr. Smith, in regard to their friendly feelings towards the whites. Whether their acts justified them or not was rather an open question. They stated their desire for peace. My recollection is that the governor told them they had levied war against the United States, or what amounts to that, and that soon the white soldiers would cover the plains. He said that if they were friendly, as they had said, they must seek the protection of the military posts, for the whites could not discriminate between Indians on the plains. That their going on the military reservations would afford the best evidence of their friendly feelings towards the whites; and my understanding is

that a portion of those Indians, if not all of them, sought the military reservation at Fort Lyon with that understanding.

By Mr. Gooch:

Question. Were they on that military reservation when this attack was made on them?

Answer. No, sir. I suppose it was found inconvenient to have so many of them in the vicinity of the post, on account of their natural thieving propensities, and they were ordered off on this Sand creek, about thirty-five miles from the fort, on their own reservation, where they could hunt.

Question. They were where they had been directed, by the military authorities, to go?

Answer. So I understand. Major Anthony, who is here, was a portion of the time in command at Fort Lyon, and he could tell about that.

For the information of the committee, I should like to say a friendly word, under the circumstances, in the Chivington interest. For a year and a half past there has been a state of war existing between the Indians and the whites, as far as the opinion of the Indians was concerned; whether by the authority of the head chiefs or not we cannot tell. At all events, the interruption of communication on the Arkansas route and on the Platte route raised the price of everything consumed by the people out here. And the people emphatically demanded that something should be done. The point I wish to make is, that perhaps Colonel Chivington might have been forced into this by the sentiment of the people.

Question. Would the sentiment of the people lead a man to attack Indians who were known to be friendly, and who were known to be trying to avert hostilities?

Answer. I should say it would. They wanted some Indians killed; whether friendly or not they did not stop long to inquire.

Testimony of Mr. D. D. Colley.

WASHINGTON, *March* 14, 1865.

Mr. D. D. COLLEY sworn and examined.

By Mr. Gooch:

Question. Where is your place of residence?

Answer. At Fort Lyon.

Question. What is your occupation?

Answer. I have been trading with the Indians more or less for the last three years.

Question. Will you state what you know in relation to the attack on the Cheyenne Indians by Colonel Chivington, on the 29th of November last?

Answer. I was in St. Louis at that time. But I was at Fort Lyon when two Indians came in and told Major Wynkoop that they had some white prisoners. They rode in and rode up to the major's headquarters. The major, as well as the balance of us, felt like using them a little rough, for we were all feeling a little hard towards the Indians. I went out and saw they were two Indians with whom I was well acquainted, and who I knew had been trying to keep peace between the Indians and the whites. Just as I went up to them the major came up and spoke very harsh to them, and told them to get down off their horses. I told the major that I knew them, and that they were both friendly. They then got down off their horses and went into the major's room, and told

him that they had some white prisoners, and that he could get them by going after them.

The major took his command of 125 or 150 men, and was gone about two weeks, and brought the white prisoners. Some Indians, I do not know how many, 20 or 30 of them, came back with him, and went to Denver with him. I went there also. There they had a council with Colonel Chivington and Governor Evans, and promises were made to them. There was also a council held with them by Major Wynkoop. Major Anthony, after he took command at Fort Lyon, also held a council with them. It was thought best to have them come in at Fort Lyon. Major Wynkoop promised them protection if they would come in, and they came in on the strength of those promises. I talked with them several times after they had brought their families in. The major promised them protection until he could hear from General Curtis. Then if they proposed to make a treaty, all right; if not, he would let them go in time to get out of the country.

Shortly after that, Major Anthony took command of Fort Lyon by order of General Curtis. He said he was ordered to kill these Indians and drive them away. I told him what promises had been made them. They were called together, and they told him that they considered themselves prisoners of war, and that they would not fight under any circumstances. I know that a number of the chiefs present there had been laboring over a year to keep peace between the Indians and whites. They told Major Anthony that he could take them out and kill them if he saw fit. He told them he was sent there to fight Indians. But he would ask them to give up their arms, and some stock they had which belonged to the government; and if they did so he would issue to them prisoners' rations until such time as he had other orders. And they were living there and getting these rations until I left Fort Lyon to come to St. Louis.

Question. Did they comply with the terms proposed by Major Anthony?

Answer. Yes, sir

Question. Do you know whether Colonel Chivington was informed of this arrangement?

Answer. I know that he was.

Question. How do you know that?

Answer. Because the Indian agent told me he had informed him.

Question. Informed him before he made his attack?

Answer. Yes, sir. When he came down there to make the attack he was told that the Indians were out there under promise of protection. They had been at the post until a short time before, when they had moved out on the Big Sandy at the request of Major Anthony. The Sioux, and a party of Cheyennes called the Dog soldiers, were at war with the whites. And these Indians on the Big Sandy would come in occasionally and report what the other Indians were doing.

Question. Do you know what induced Colonel Chivington to attack these Indians?

Answer. I do not know; I have my opinion.

Question. Can you think of any reason which induced him to make the attack?

Answer. I have thought for more than a year that he was determined to have a war with these Indians. That has been the general belief of men in our part of the country. I was acquainted with all the chiefs who were there, and I know they had all tried hard to keep peace between the Indians and whites. I was with a portion of this same village a year ago last winter, when the first talk of an outbreak commenced. All the chiefs who were killed by Colonel Chivington have labored as hard as men could to keep peace between the whites and Indians. They could not control the band called Dog soldiers, who had undoubtedly committed depredations.

Question. Do you know anything else in connexion with this matter that is important, which you have not stated?

Answer. I do not know that I do.

By Mr. Loan:

Question. What is the distinguishing name of this band of Indians upon which the attack was made?

Answer. They were known as Black Kettle's band. Black Kettle was the chief of the whole Cheyenne nation; but this was the band that was always with him. The other chiefs that were there were also with him.

Question. There must have been a chief to have led the hostile Indians?

Answer. Yes, sir. But this band was the one always with Black Kettle.

Question. About what number do you suppose were killed on Sand creek?

Answer. I should judge there were between 100 and 150. What I judge from is this: the inspector of the district went with me to Fort Lyon, and he went out to the battle-field. The bodies were lying there then. They spent half a day on the battle-field, and found 69 bodies.

Question. Were there any women and children killed?

Answer. The inspector told me that about three-fourths of them were women and children.

Testimony of Major Scott J. Anthony.

WASHINGTON, *March* 14, 1865.

Major SCOTT J. ANTHONY sworn and examined.

By Mr. Loan:

Question. What is your place of residence?

Answer. Fort Lyon, Colorado Territory.

Question. Do you hold any position in the military or civil service of the government?

Answer. None at present.

Question. Have you held any at any time?

Answer. I was major of the 1st Colorado cavalry from the 1st of November, 1862, until the 21st of January, 1865.

Question. Were you present at the killing of the Cheyenne Indians, on their reserve, not far from Fort Lyon, on Sand creek?

Answer. It was not an Indian reserve. I was present at the time.

Question. State what force was organized, under what orders it acted, under whose command it was, and what was done.

Answer. The command reached Fort Lyon on the morning of the 28th of November last, under command of Colonel Chivington. It consisted of a portion of the 1st regiment of Colorado cavalry, and about 600 men of the 3d regiment of Colorado cavalry; numbering in all in the neighborhood of 700 men, with two pieces of artillery. I joined them there with 125 men and two pieces of artillery. We left on the night of the 28th, for Sand creek, and reached there on the morning of the 29th at daybreak. We found an Indian camp of about 130 lodges, consisting mostly of Cheyennes; there were a small band of Arapahoe Indians with them. The Indians were attacked by us, under command of Colonel Chivington, about sunrise in the morning. Detachments from the command took position on two sides of their camp. There had been a little firing before that. When I first came up with my command, the Indians, men, women, and children, were in a group together, and there was firing from our command upon them. The Indians attempted to escape, the women and children, and our artillery opened on them while they were running. Quite a party of Indians took position under

the bank, in the bed of the creek, and returned fire upon us. We fought them about seven hours, I should think, there being firing on both sides. The loss on our side was 49 men killed and wounded; on theirs I suppose it was about 125.

Question. Under what chief was that band of Indians?

Answer. Black Kettle, I think, was the principal chief. There were several chiefs in the camp, but Black Kettle, I think, was the head chief.

Question. Were there any warriors in that camp?

Answer. There were.

Question. What number, do you suppose?

Answer. I would not be able to tell very accurately. There were a great many men who fought us; I should think there were in the neighborhood of a hundred men who were fighting us while we were there. Perhaps there were not quite so many as that, but as near as I could judge there were from 75 to 100 Indians returning our fire. I was in command at Fort Lyon, and had held a council with these Indians before; had talked with them, and had recognized Black Kettle as their head chief.

Question. What was the result of the conference you had with them?

Answer. The circumstances were about these: I was in command at Fort Larned, 240 miles east of Fort Lyon, which place the Indians had attacked in the spring, stealing all the stock at the post, burning the bridges, and damaging the post considerably. Major Wynkoop, who had been in command at Fort Lyon, had had some difficulty with the Indians at that point. He had proposed terms of peace with the Indians, which action was not approved at the headquarters of the department or district.

Question. Were there any military orders issued disapproving his arrangements?

Answer. There were.

Question. Can you give the numbers of these orders, and by whom issued?

Answer. I have copies of them, I think. One was Special Order No. 4, paragraph No. 7, from headquarters of the district of Upper Kansas. There were several orders in regard to the same matter.

Question. What I want is the order of department headquarters disapproving of what Major Wynkoop had done, and also the order of district headquarters.

Answer. I do not think I have those orders in the city.

Question. Do you know who has them?

Answer. I do not. General Curtis was the commander of the department at the time this difficulty took place between Major Wynkoop and the Indians at Smoky Hill, and Major General Blunt was in command of the district. I was out with Major General Blunt in a campaign against the Indians.

Question. Did you ever see those orders from the department headquarters disapproving of Major Wynkoop's action in regard to that matter?

Answer. Only so far as it related to his unmilitary conduct.

Question. I mean his attempt to pacify the Indians?

Answer. I have never seen those orders; I have heard of them.

Question. Now, to return to the point when you were in command at Fort Lyon.

Answer. I took command there on the second day of November.

Question. You say you held a conference with the Indians? State what occurred.

Answer. At the time I took command at the post there was a band of Arapahoe Indians encamped about a mile from the post, numbering, in men, women, and children, 652. They were visiting the post almost every day. I met them and had a talk with them. Among them was Left Hand, who was a chief among the Arapahoes. He with his band was with the party at that time. I talked with them, and they proposed to do whatever I said; whatever

I said for them to do they would do. I told them that I could not feed them; that I could not give them anything to eat; that there were positive orders forbidding that; and that I could not permit them to come within the limits of the post. At the same time they might remain where they were, and I would treat them as prisoners of war if they remained; that they would have to surrender to me all their arms and turn over to me all stolen property they had taken from the government or citizens. These terms they accepted. They turned over to me some twenty head of stock, mules, and horses, and a few arms, but not a quarter of the arms that report stated they had in their possession. The arms they turned over to me were almost useless. I fed them for some ten days. At the end of that time I told them I could not feed them any more; that they better go out to the buffalo country where they could kill game to subsist upon. I returned their arms to them, and they left the post. But before leaving they sent word out to the Cheyennes that I was not very friendly towards them.

Question. How do you know that?

Answer. Through several of their chiefs; Neva, an Arapahoe chief; Left Hand, of the Arapahoes; then Black Kettle and War Bonnet, of the Cheyennes. A delegation of the Cheyennes, numbering, I suppose, fifty or sixty men, came in just before the Arapahoes left the post. I met them outside of the post and talked with them. They said they wanted to make peace; that they had no desire to fight against us any longer; that there had been difficulty between the whites and Indians there, and they had no desire to fight any longer. I told them I had no authority from department headquarters to make peace with them; that I could not permit them to visit the post and come within the lines; that when they had been permitted to do so at Fort Larned, while the squaws and children of the different tribes that visited that post were dancing in front of the officers' quarters and on the parade ground, the Indians had made an attack on the post, fired on the guard, and run off the stock, and I was afraid the same thing might occur at Fort Lyon. I would not permit them to visit the post at all. I told them I could make no offers of peace to them until I heard from district headquarters. I told them, however, that they might go out and camp on Sand creek, and remain there if they chose to do so; but they should not camp in the vicinity of the post; and if I had authority to make peace with them I would go out and let them know of it.

In the mean time I was writing to district headquarters constantly, stating to them that there was a band of Indians within forty miles of the post—a small band—while a very large band was about 100 miles from the post. That I was strong enough with the force I had with me to fight the Indians on Sand creek, but not strong enough to fight the main band. That I should try to keep the Indians quiet until such time as I received re-enforcements; and that as soon as re-enforcements did arrive we should go further and find the main party.

But before the re-enforcements came from district headquarters, Colonel Chivington came to Fort Lyon with his command, and I joined him and went out on that expedition to Sand creek. I never made any offer to the Indians. It was the understanding that I was not in favor of peace with them. They so understood me, I suppose; at least I intended they should. In fact, I often heard of it through their interpreters that they did not suppose we were friendly towards them.

Question. What number of men did you have at Fort Lyon?

Answer. I had about 280 men.

Question. What was the number of Indians around Fort Lyon at any one time when you were talking to them?

Answer. I do not think there were over 725 Indians—men, women and children—within the vicinity of the post.

Question. At the time you held the conference with the Arapahoes, Left Hand, and others, how many men were present above the age of eighteen?

Answer. I should suppose from 80 to 100.

Question. Why did you not capture those Indians at that time?

Answer. I might say I did. I did not take them because I had instructions from district headquarters, as I construed them, to go and fight them wherever I met them. While they were there at the post I did intend to open fire upon them, in accordance with my instructions.

Question. Why did you not do it?

Answer. They were willing to accede to any request I might make. They turned over to me their arms and the property they had stolen from the government and citizens.

Question. What property did they turn over?

Answer. Fourteen head of mules and six head of horses.

Question. Was it property purporting to have been stolen by them?

Answer. Yes, sir.

Question. From whom?

Answer. They did not say. Yet some of it was recognized; some of it was branded "U. S." Some was recognized as being stock that belonged to citizens. It was generally understood afterwards—I did not know it at that time—that the son of the head chief of the Arapahoes, Little Raven,and I think another, had attacked a small government train and killed one man.

Question. What had Little Raven to do with Black Kettle's band?

Answer. He was not with them at the time; Left Hand was.

Question. These Indians surrendered to you, and you took their arms from them?

Answer. Yes, sir.

Question. Did you issue rations to them?

Answer. I did.

Question. What authority had you for returning their arms to them and ordering them off?

Answer. I had no orders in the matter. My instructions were to act upon my own judgment. At the same time there were orders issued that they should not be fed or clothed at the post.

Question. Who issued those orders?

Answer. General Curtis.

Question. Were those orders issued after you had received the arms of the Indians?

Answer. Before that.

Question. Then why did you receive those arms, and feed those Indians in violation of General Curtis's orders?

Answer. I received the arms and told the Indians I could only issue them rations as prisoners. I fed them while there as prisoners, but afterwards released them.

Question. That is what I want to get at. Where did you get authority for releasing the prisoners that were captured?

Answer. I had no written authority for it.

Question. You did it upon your own judgment.

Answer. Yes, sir. That was my instructions, to act upon my own judgment in the matter. I thought we could not afford to feed them at the post; and they were in the buffalo country where they could subsist themselves.

Question. If they were dangerous to the government, why did you release them?

Answer. I did not so consider them then. They were most all women and children, this Arapahoe band.

Question. Who was the chief of that band?

Answer. Little Raven was the chief of those I held as prisoners.

Question. Was Black Kettle with his band at the fort at any time you were in command?

Answer. No, sir, not at the fort; they passed by it.

Question. Did you ever hold any conference with them?

Answer. I did.

Question. At what place?

Answer. At the commissary building, about a half a mile from the fort.

Question. What number of men were with Black Kettle at that time?

Answer. I should think not far from sixty.

Question. State what passed at that conference, so far as you can remember.

Answer. They came in and inquired of me whether I had any authority to make peace with them. They said that they had heard through the Arapahoes that "things looked dark"—that was the term they used—that we were at war with them; that they had come in to ascertain whether these bad reports they had received were correct or not. I stated to them that I had no authority to make peace with them. That their young men were then out in the field fighting against us, and that I had no authority and no instructions to make any peace with them. I told them they might go back on Sand creek, or between there and the headquarters of the Smoky Hills, and remain there until I received instructions from the department headquarters, from General Curtis; and that in case I did receive any authority to make peace with them I would go right over and let them know it. I did not state to them that I would give them notice in case we intended to attack them. They went away with that understanding, thatin case I received instructions from department headquarters I was to let them know it. But before I did receive any such instructions Colonel Chivington arrived there, and this affair on Sand creek took place.

Question. Why did you not arrest Black Kettle and his band there, or attack them when you had them at your mercy?

Answer. I did not do it, because I did not consider it a matter of policy to do it.

Question. Why not?

Answer. Because within 100 miles of us was a party of 2,500 or 3,000 Indians. Black Kettle's band belonged to the same tribe of Indians, and I believed that so soon as I made any attack upon Black Kettle's party, this whole tribe of Indians would rise and cut off our communication on both routes.

Question. How did you know that that party of 3,000 Indians were within 100 miles?

Answer. Black Kettle told me so himself. Jack Smith, the son of the Indian interpreter there, a half-breed, told me the same. One Eye, a Cheyenne chief, told me the same. On two different occasions One Eye told me when small raiding parties were going to start out from the main Sioux and Cheyenne camp to commit depredations on the road, and depredations were committed just about the time they said they would be, yet too soon for us to prevent it. I was satisfied in my own mind that if I had attacked Black Kettle there, although I might have taken his entire camp at any time, it would be the cause of opening up a general Indian war, and I was not strong enough to defend the settlements in case they commenced again.

Question. I understood you to say that the Indians were already at war with the whites.

Answer. Yes, sir. That is, they were sending out their raiding parties. Their men came there on Smoke Hill, and every little while a raiding party would make an attack on some train or some ranch, yet there was no large party at that particular time.

Question. Were there any other Indians at Sand creek, except Black Kettle's band and the Arapahoes of whom you have spoken?

Answer. There were none but Black Kettle's band, and, as I have since ascertained, a few lodges of Arapahoes, under Left Hand.

Question. Little Raven's band was not there?

Answer. No, sir. There was but a small portion of Black Kettle's band there. He was the chief of all the Cheyennes.

Question. There was a particular band that went with him, of which he was the immediate chief, notwithstanding he was also the chief of the whole nation?

Answer. Yes, sir.

Question. And it was the subordinate chiefs who were at war with the whites.

Answer. Yes, sir.

Question. Black Kettle had a band which were always with him?

Answer. Yes, sir.

Question. Now, what I want to know is, what other Indians were at Sand creek when you advised Black Kettle and his band to go over there?

Answer. I think there were only a very few Arapahoes under Left Hand.

Question. Did they have their women and children with them?

Answer. Yes, sir.

Question. How long were they at Sand creek before Colonel Chivington came along with his force?

Answer. I should think about twelve days.

Question. Did you receive any communication from those Indians on Sand creek during those twelve days? Did they furnish you with information of any kind?

Answer. I received some information; I do not know that it came from that band. I had employed at that time, on a salary of $125 a month and a ration, One Eye, who was a chief of the Cheyennes. He was to remain in this Cheyenne camp as a spy, and give me information from time to time of the movements of this particular band, and also to go over to the head of the Smoke Hill to the Sioux and Cheyenne camp there, and notify me whenever any movement was made by those Indians; but he had gone only as far as Sand creek when Colonel Chivington made this attack on the Indians at Sand creek, and he was killed there.

Question. Then you cannot tell whether you had any communications during those twelve days from the Indians on Sand creek?

Answer. They would send in to the post frequently. General Curtis had issued an order that no Indian should be permitted to visit the post. I had ordered them away, and the guard had fired upon them when they refused to obey that order—fired upon them several times. I told them they could not come in, and that if they had any communication to make with me I would meet them outside of the post and talk with them. They sent to me several times, but they were always begging parties.

Question. Did they give you any information whatever of the movements of any of the hostile Indians?

Answer. Yes, sir; One Eye did, and I think Jack Smith did. He came in at one time and stated that a party of Indians were going to make an attack on the settlements down in the vicinity of the mouth of Walnut creek. I reported the matter to the district headquarters, stating that there would be an attack made about such a day. The attack was made at about that time, so that the information he gave was correct.

Question. Were the women and children of this band of Black Kettle in camp with him?

Answer. Yes, sir.

Question. About what number of souls were in that camp when you attacked it?

Answer. I thought at the time there were a thousand or more; but, from in-

formation I have received since, I am satisfied that there were not so many as that; probably in the neighborhood of 700 men, women, and children.

Question. Did you send any word to Black Kettle that you intended to attack him or his band at any time?

Answer. None, whatever. It was a surprise, made without any notice whatever to them.

Question. What number of women and children were killed there?

Answer. I do not know. I made a report to Colonel Chivington the next day. I made it partly upon information I had received through the men who were with me, and partly from observation. I stated to him that there were 300 Indians killed, including women and children. I have ascertained since that there were not so many killed; at least I am satisfied that there were not over 125 killed. At one time I sent out a scouting party and told them to look over the ground. They came back and reported to me that they had counted 69 dead bodies there. About two-thirds of those were women and children.

Question. Was your command a mounted command?

Answer. Yes, sir.

Question. How did the remainder of the Indians escape?

Answer. On foot.

Question. What kind of country was it?

Answer. Prairie country, slightly rolling; grass very short.

Question. Do you say that Colonel Chivington's command of 700 mounted men allowed 500 of these Indians to escape?

Answer. Yes, sir; and we ourselves lost 49 in killed and wounded.

Question. Why did you not pursue the flying Indians and kill them?

Answer. I do not know; that was the fault I found with Colonel Chivington at the time.

Question. Did he call off the troops?

Answer. No, sir. The Indians took a position in the bed of the creek, which was from 200 to 500 yards wide. The banks upon the side of the creek were two or three feet high, in some places as high as ten feet; the bed of the creek was of sand, and perfectly level. The Indian warriors took their position right along the bank, dug holes in the sand in which to secrete themselves, and fired upon our men in that way. We fought them there. While the women and children were escaping, the men stood under the bank and fought us all day.

Question. How many pieces of artillery did you have?

Answer. We had four pieces.

Question. And the Indians held you in check there for seven hours?

Answer. I think fully seven hours. I was ordered back eighteen miles on the road before the firing ceased.

Question. Did you capture any prisoners?

Answer. Before I left I saw two prisoners in the Indian lodges, in their camp, where our men were quartered.

Question. Did you ever see those prisoners after Colonel Chivington returned?

Answer. Only one of them, Charles Bent.

Question. What became of the other?

Answer. I only ascertained from common report. I went to Colonel Chivington and told him that Jack Smith was a man he might make very useful to him; that he could be made a good guide or scout for us; "but," said I to him, "unless you give your men to understand that you want the man saved, he is going to be killed. He will be killed before to-morrow morning, unless you give your men to understand that you don't want him killed." Colonel Chivington replied, "I have given my instructions; have told my men not to take any prisoners. I have no further instructions to give." I replied to him that he could make that man very useful, and I thought that perhaps

he had better give the men to understand that he did not want him killed. The colonel replied again, "I said at the start that I did not want any prisoners taken, and I have no further instructions to give." I then left him. I learned afterwards that Jack Smith was killed in the camp, in an Indian lodge.

Question. Jack Smith was a half-breed?

Answer. Yes, sir.

Question. And an interpreter?

Answer. I had never met him but once. He spoke English and Indian.

Question. Where was Jack Smith's father at that time?

Answer. He was in the Indian camp, trading with the Indians by my permission; and at the same time I had sent him there partly as a spy upon the camp. I wanted to know what movements they were going to make. When I was about to send him out there he said he wanted to take some goods out there to trade with the Indians, and I gave my permission.

Question. What property was captured there?

Answer. About 700 horses, I should think; quite a large number of buffalo robes. I do not know how many, though I think I saw 150 buffalo robes. There were a great many lodges, which were all burned. There were a great many blankets; some few bows and arrows, and I saw some few guns. However, outside of horses, the value to the white man of the whole would be very little.

By Mr. Buckalew:

Question. Were there any mules?

Answer. Yes, sir, there were some mules; I saw a few mules branded "U. S.," that were being driven away.

By Mr. Loan:

Question. What was done with that property?

Answer. I have never learned since.

Question. Did you have possession or control of any of that property?

Answer. Colonel Chivington instructed me to order my quartermaster to receive the stock, and feed them full rations of corn and hay while they remained at Fort Lyon. But there were only 407 head received at Fort Lyon, as I afterwards ascertained. As to the balance, I received information that led me to believe that 225 head of the stock was run off into New Mexico by a portion of Colonel Chivington's command; 60 more driven up the river nearly 100 miles, were there met by an officer who was coming down, and he brought them back to Fort Lyon. When Colonel Chivington's command left Fort Lyon he took away all of this stock that was there, and I have never heard of it since.

Question. Who issued the order to your quartermaster directing him to deliver this property over to Colonel Chivington?

Answer. There was no written order. A verbal order was given me by Colonel Chivington, which I turned over to the quartermaster.

Question. To whom was that stock delivered?

Answer. To Colonel Shoup.

Question. What position did he hold as an accounting officer?

Answer. There was no quartermaster, I think, that ever had it in charge, with the exception of the acting assistant quartermaster at Fort Lyon, who took it in charge for a few days, by verbal order from Colonel Chivington, and turned it over again in the same manner.

Question. Do you know of any acts of hostility committed by Black Kettle or any of his band that were encamped on Sand creek?

Answer. I do not, except this: I was out with Major General Blunt in an engagement with the Indians on Pawnee fork. There was one man there at that time whom I afterwards recognized as being of Black Kettle's party, and who fought us at Pawnee fork; that was War Bonnet. He was at Pawnee fork, and was very active there. He apparently had charge of a small band of Indians. It was on the 26th of August that we fought them there.

Question. How long had you been acquainted with War Bonnet?

Answer. I had met him but twice, with the exception of that fight I had with him on Pawnee fork.

Question. You had met him twice previous to that?

Answer. Since that.

Question. Where did you first meet him after that?

Answer. At Fort Lyon.

Question. Why did you not then arrest him and punish him for fighting at Pawnee fork?

Answer. I thought if I did so it would enrage the balance of the Indians, who were then encamped at Smoke Hill, and I was trying to keep them quiet, until such time as a sufficient number of troops had arrived to enable us to go out and fight the whole party.

Question. If you had reason to think that Black Kettle, or any of his party, intended to fight against the United States, or the whites, state what that reason was.

Answer. I had no reason to suppose it further than my general knowledge of the Indian character. I have been there for upwards of two years, and during that time it has been the constant complaint of travellers upon the road that the Indians were annoying their trains, even when they did not profess to be at war at all. It had always been a source of constant annoyance to us there. Trains came into the post and complained that the Indians were taking their property from them.

Question. How far from Fort Lyon were Black Kettle and his people encamped when you made the attack?

Answer. Between 30 and 40 miles.

Question. Why was not Mr. Smith, the trader, also killed?

Answer. As I came up with my command, my men formed in line very close to the Indian camp; among the first persons I saw was John Smith. I had not given any instructions to my men to fire. Firing was going on on both sides of me, a portion of Colonel Chivington's command on the right and another portion on the left were firing. I did not give any instructions to my men to fire. I saw John Smith, who appeared to be frightened, and I rode out in front of my men and called out to him to come to me. I held up my hands, called him by name, and swung my hat at him. He started towards me, and as he started, I supposed he imagined some one was firing at him. Whether they were or not I do not know; I did not see any shots fired at him. I am sure no man of mine fired. At that time all the command, with the exception of my men, were firing. As I was calling out to him to come to me, he turned and started to run the other way. Just at that time one of my men rode out and said, "Major, let me bring him out." The man rode past me, and as he rode around Smith, to take hold of him and lead him out of the Indian camp, he was shot; at least I thought so from his motions in the saddle. He passed on by again, and his horse was shot down. After his horse was shot down he attempted to get up, and some Indian ran up to him, snatched his gun from him, and beat him over the head and killed him. That was the first man of our command I saw killed. The Indians at that time commenced firing upon me, and then my men commenced firing.

By Mr. Buckalew:

Question. What became of Smith?

Answer. I did not know what became of him; I did not see him for three or four hours afterwards. The next I saw of him he was coming down the bank of the river, with some of our soldiers.

By Mr. Loan:

Question. What became of the buffalo robes that were taken there?

Answer. I do not know. I had some buffalo robes, my own bedding, which went at the same time, and we have never been able to ascertain what became of them. I went to Colonel Chivington and reported to him that John Smith had lost all his buffalo robes; I wanted them recovered. He said to me, "You go to John Smith and tell him that he need have no fear at all about the matter; I will give an order confiscating that property for the use of the hospital." I afterwards ascertained that I had lost all my own bedding and buffalo robes, and also provision for ten men for thirty days, that I had taken out there. The colonel said, "Well, we will give you an order confiscating that for the use of the hospital, and you can be reimbursed; you shall not lose a cent." However, the order never was issued, confiscating the property.

Question. Do you know by what authority the 225 head of stock were taken off to New Mexico?

Answer. I do not. Captain Cook told me he knew how many men there were, and he knew who had them in charge; but he never gave me the names.

This is the way in which we have been situated out there. I have been in command of a body of troops at Fort Larned or Fort Lyon for upwards of two years. About two years ago in September the Indians were professing to be perfectly friendly. These were the Cheyennes, the Camanches, the Apaches, the Arapahoes, the Kiowas, encamped at different points on the Arkansas river between Fort Larned and Fort Lyon. Trains were going up to Fort Lyon frequently. and scarcely a train came in but had some complaint to make about the Indians. I recollect that one particular day three trains came in to the post and reported to me that the Indians had robbed them of their provisions. We at the post had to issue provisions to them constantly. Trains that were carrying government freight to New Mexico would stop there and get their supplies replenished on account of the Indians having taken theirs on the road.

At one time I took two pieces of artillery and 125 men, and went down to meet the Indians. As soon as I got there they were apparently friendly. A Kiowa chief perhaps would say to me that his men were perfectly friendly, and felt all right towards the whites, but the Arapahoes were very bad Indians. Go to the Arapahoe camp, they would perhaps charge everything upon the Camanches, while the Camanches would charge it upon the Cheyennes; yet each band there was professing friendship towards us.

These troubles have been going on for some time, until the settlers in that part of the country, and all through western Kansas and Colorado do not think they can bear it. When these troubles commenced upwards of a year ago I received information that led me to believe that the Indians were going to make a general war this last spring. I supposed so at the time. They were endeavoring by every means to purchase arms and ammunition. They would offer the best horse they had for a revolver, or a musket, or a little ammunition.

This last spring it seemed to have commenced; I do not know how. I know, however, that at the different posts they were professing friendship. They were encamped in pretty large numbers in the vicinity of the posts, and while their women and children were dancing right alongside the officers' quarters, the Indians secreted themselves in a ravine in the neighborhood of the post, and at a signal jumped out and run off the stock, firing at the guards; at the same time the women and children jumped on their ponies, and away they went. They burned down the bridges, and almost held the post under their control for three or four days. About the same time they commenced depredations on the road. The mails could not pass without a pretty large escort. At least, whenever we sent them without an escort the Indians attacked them, and the people considered it very unsafe to travel the roads.

When the Indians took their prisoners (in fact, however, they generally took no prisoners) near Simmering spring, they killed ten men. I was told by Captain Davis, of the California volunteers, that the Indians cut off the heads

of the men after they had scalped them, and piled them in a pile on the ground, and danced around them, and kicked their bodies around over the ground, &c. It is the general impression among the people of that country that the only way to fight Indians is to fight them as they fight us; if they scalp and mutilate the bodies we must do the same.

I recollect one occasion, when I had a fight on Pawnee fork with the Indians there, I had fifty-nine men with me, and the Indians numbered several hundred. I was retreating, and they had followed me then about five miles. I had eleven men of my party shot at that time. I had with my party then a few Delaware Indians, and one Captain Fall-Leaf, of the Delaware tribe, had his horse shot; we had to stop every few minutes, dismount and fire upon the Indians to keep them off. They formed a circle right around us. Finally we shot down one Indian very close to us. I saw Fall-Leaf make a movement as though he wanted to scalp the Indian. I asked him if he wanted that Indian's scalp, and he said he did. We kept up a fire to keep the Indians off, while he went down and took off his scalp, and gave his Delaware war-whoop. That seemed to strike more terror into those Indians than anything else we had done that day. And I do think, that if it had not been for that one thing, we should have lost a great many more of my men. I think it struck a terror to them, so that they kept away from us.

It is the general impression of the people of that country that the only way to fight them is to fight as they fight; kill their women and children and kill them. At the same time, of course, we consider it a barbarous practice.

Question. Did the troops mutilate the Indians killed at Sand creek?

Answer. They did in some instances that I know of; but I saw nothing to the extent I have since heard stated.

Question. State what you saw.

Answer. I saw one man dismount from his horse; he was standing by the side of Colonel Chivington. There was a dead squaw there who had apparently been killed some little time before. The man got down off his horse, took hold of the squaw, took out his knife and tried to cut off her scalp. I thought the squaw had been scalped before; a spot on the side of the head had evidently been cut off before with a knife; it might possibly have been done by a grape-shot, or something of that kind. I saw a great many Indians and squaws that had been scalped; I do not know how many, but several. There have been different reports about these matters. I heard a report some twenty days after the fight—I saw a notice in Colonel Chivington's report—that a scalp three days old, a white woman's scalp, was found in the Cheyenne camp. I did not hear anything about that until after Colonel Chivington had reached Denver. I was with him for ten days after the fight, and never heard a word about a white woman's scalp being found in the camp until afterwards.

On the other hand, on the day I left Fort Lyon to come east, on the 30th of January, I saw an official report from Major Wynkoop, together with affidavits from different men; among them was one man who was my adjutant at that time; he speaks in his affidavit about the bodies of the Indians having been so badly mutilated, their privates cut off, and all that kind of thing. I never saw anything of that; and I never heard it until I saw it in those affidavits at Fort Lyon, two months after the fight. Yet it was a matter of daily conversation between us at the posts. I, however, did myself see some bodies on the ground that were mutilated.

Question. Anything further than you have stated?

Answer. No, sir. I saw what convinced me that, in attempting to escape with two children, one squaw had been mortally wounded, and had drawn her c, gathered her two children near her, and cut both of their throats. That not done by our men. I did not see any one mutilating any Indian, with

the exception of the one man I have spoken of, while Colonel Chivington was standing by the side of him.

I saw one instance, however. There was one little child, probably three years old, just big enough to walk through the sand. The Indians had gone ahead, and this little child was behind following after them. The little fellow was perfectly naked, travelling on the sand. I saw one man get off his horse, at a distance of about seventy-five yards, and draw up his rifle and fire—he missed the child. Another man came up and said, "Let me try the son of a bitch; I can hit him." He got down off his horse, kneeled down and fired at the little child, but he missed him. A third man came up and made a similar remark, and fired, and the little fellow dropped.

By Mr. Buckalew:

Question. Those were men of your command?

Answer. Of Colonel Chivington's command.

By Mr. Loan:

Question. Had the officers control of their men at that time?

Answer. There did not seem to be any control.

Question. Could the officers have controlled their men, or were the men acting in defiance of the orders of their officers?

Answer. I did not hear any orders given but what were obeyed. As a general thing the officers and men were doing just what they saw fit to do.

By Mr. Gooch:

Question. Did you communicate to Colonel Chivington, when he came to Fort Lyon, the relations you had had with those Indians?

Answer. Yes, sir.

Question. Did you, under the circumstances, approve of this attack upon those Indians?

Answer. I did not.

Question. Did you not feel that you were bound in good faith not to attack those Indians after they had surrendered to you, and after they had taken up a position which you yourself had indicated?

Answer. I did not consider that they had surrendered to me; I never would consent that they should surrender to me. My instructions were such that I felt in duty bound to fight them wherever I found them; provided I considered it good policy to do so. I did not consider it good policy to attack this party of Indians on Sand creek unless I was strong enough to go on and fight the main band at the Smoke Hills, some seventy miles further. If I had had that force I should have gone out and fought this band on Sand creek.

Question. The Arapahoes had surrendered to you?

Answer. I considered them differently from the Cheyennes.

Question. They were with the Cheyennes, or a part of them were?

Answer. I understood afterwards that some six or eight or ten lodges of the Arapahoes were there.

Question. Did you not know at the time you made this attack that those Arapahoes were there with the Cheyennes?

Answer. I did not. A part of the Cheyennes had left; a part of them said they did not believe we at the post felt friendly towards them; and I have since learned that a part of them had left.

Question. These very Indians had come in and held communication with you, and had taken up the position you had directed them to take?

Answer. No, sir; I told them they should not remain on the road, but they might go back on Sand creek, or some place where they could kill game.

Question. You advised them to go there?

Answer. Yes, sir.

Question. Did you not suppose that they understood from you that if they went there and behaved themselves they would not be attacked by you?

Answer. I do not think they thought so. I think they were afraid I was going to attack them. I judge so from words that came to me like this: "That they did not like that red-eyed chief; that they believed he wanted to fight them."

Question. You say you did not approve of the attack upon them by Colonel Chivington. Did you remonstrate with Colonel Chivington against making that attack?

Answer. I did.

Question. You felt that you ought not to make the attack under the circumstances?

Answer. I did. I made a great many harsh remarks in regard to it. At the same time I did not so much object to the killing of the Indians, as a matter of principle—merely as a matter of policy. I considered it a very bad policy, as it would open up the war in that whole country again, which was quiet for the time. I am very well satisfied the Indians intended a general outbreak as soon as the weather would permit.

Question. You think the attack made upon those Indians there, in addition to the other characteristics which it possesses, was impolitic?

Answer. I do, very much so. I think it was the occasion of what has occurred on the Platte since that time. I have so stated in my report to the headquarters of the district and of the department. I stated before Colonel Chivington arrived there that the Indians were encamped at this point; that I had a force with me sufficiently strong to go out and fight them; but I did not think it policy to do so, for I was not strong enough to fight the main band. If I fought this band, the main band would immediately strike the settlements. But so soon as the party should be strong enough to fight the main band, I should be in favor of making the war general against the Indians. I stated to them also that I did not believe we could fight one band without fighting them all; that in case we fought one party of Indians and whipped them, those that escaped would go into another band that was apparently friendly, and that band would secrete those who had been committing depredations before. As it was with Little Raven's band; his own sons attacked a train a short distance above Fort Lyon, killed one soldier, took a government wagon and mules, some horses, and took some women prisoners. One woman they afterwards outraged, and she hung herself; the other one, I think, they still hold. Some of the Indians have married her, as they call it, and she is still held in their camp, as I have understood; not now in the camp of those who took her prisoner, but she has been sold to the Sioux and Cheyennes. The instructions we constantly received from the headquarters, both of the district and the department, were that we should show as little mercy to the Indians as possible.

By Mr. Loan:

Question. Could you furnish us copies of those instructions?

Answer. I have in the city some private letters, and I think I have also some confidential communications, that go to show something of that nature.

Question. I should be glad to have copies of some of them.

Answer. I think I have some of them. I have copies of some letters I wrote to department and district headquarters. My reports were always approved; they sent back word every time that my reports were approved. I stated that I would hold on to those Indians; let them remain dormant until such time as troops enough arrived to fight the main band. They always approved my action in the matter. When Colonel Chivington arrived there with his command, I immediately reported to headquarters that he had arrived.

Question. Who was the district commander?

Answer. Major Henning.

Question. How did a major command a colonel?

Answer. Colonel Chivington was in entirely another district. The district I was in was in upper Arkansas, and was commanded by Major Henning. Colonel Chivington commanded the district of Colorado.

Question. Then Fort Lyon was not in Colonel Chivington's district?

Answer. No, sir.

Question. By what authority did you act in concert with Colonel Chivington?

Answer. By the authority of the instructions I had received from my own district commander, that I should fight the Indians wherever I met them. When Colonel Chivington came down I talked with him; he told me where he was going, and asked me if I wanted to go with him. I told him if he was going to make a general war with the Indians I did. He gave me to understand that he was going to make it general.

Question. Can you furnish us a copy of those instructions that authorized you to go under Colonel Chivington when he was out of his district?

Answer. I had no instructions to go under him at all. I have, however, some papers to show the feeling in regard to the district. I told Colonel Chivington, several times on that march to Sand creek, that One Eye was there, employed by me; that Black Kettle was there, and that I considered Black Kettle friendly towards us; that Left Hand was there; that, probably, John Smith was there by my permission; that there was a soldier there with Smith whom I had sent off as a sort of spy, too; and that I wanted, if he did fight those Indians, by all means to save those parties; that if he did fight them he should give notice beforehand in order to get them out. I advised him to surround the camp, and not let one escape, and then push right forward and fight the main band; that he was strong enough for them. I believed at the time that if we should attack the main band, it would put an end to all our Indian troubles there. And I supposed he was going to do it; that was the understanding at the time we left Fort Lyon. I took twenty-three days' rations for my men, with the understanding that we were to be gone at least that length of time.

Testimony of Major S. G. Colley.

WASHINGTON, *March* 14, 1865.

Major S. G. COLLEY sworn and examined.

By Mr. Loan:

Question. Where do you reside?

Answer. At Fort Lyon.

Question. Do you hold any official position, civil or military?

Answer. I am an Indian agent.

Question. Will you state what you know of the Indians out there, their disposition towards the whites, &c., and what you know about the massacre at Sand creek?

Answer. I was not present at that fight.

Question. How long have you been agent for those Indians?

Answer. My appointment was in July, 1861.

Question. Were you intimately acquainted with the character and conduct of Black Kettle and his band of Indians?

Answer. I think I was.

Question. What do you know about Left Hand's band of the Arapahoes?

Answer. I know nothing bad about them. I have been with them hundreds of times.

Question. What has been their general character for peace and good conduct towards the whites? Have they been guilty of any acts of hostility, theft, or anything of the kind?

Answer. Nearly a year ago I heard of some troubles on the Platte with some Cheyenne Indians. When the treaty was made with those Indians in 1860, before I went out there, there was claimed to be two bands of Cheyennes and Arapahoes; the one of the North Platte, and the one of the South Platte. This North Platte band was not a party to that treaty, and were dissatisfied with it. There was an effort made to get those Indians to join the southern band, as it was called, but the effort was never successful. The governor, myself, and another man met the northern Indians to see if we could not get them to unite with the southern Indians, and all go on a reservation. But we failed in that. Early in the spring of last year I understood from Denver, perhaps from Governor Evans himself, that there had been a collision between the soldiers and Indians. I did not know what effect it would have upon our Indians below. I immediately went out and found all the Indians I could, and communicated with them, and told them there had been trouble on the Platte, and asked them if they knew anything about it. They said they had heard of it, but supposed it was some of the Dog Soldiers over there, as this northern band is called. They said they themselves did not want to have any trouble, but if the soldiers followed them up they supposed they would have to fight. I told them I wished they would come in on the Arkansas as close as they could and stay there, and be out of trouble. Previous to this, for two years, we have been satisfied that there was an effort being made by the Sioux Indians to induce these Indians to join them and make war upon the whites. We have labored for two years to keep it down. The Sioux Indians, many of them from Minnesota, are there in that country, and have been endeavoring to unite these Indians for the purpose of making a general war upon the whites. These Indians said the Sioux had been there with the war-pipe, but they did not mean to go to war with the whites.

There were a great many depredations committed below our place, at Larned, by some Indians. It was sometimes reported that all the bands were engaged in them; then it was reported that they were committed by the Sioux. It was impossible to ascertain what Indians were engaged. But so far as I met the Cheyennes and the Arapahoes on the Arkansas, they disclaimed it, and pretended to be friendly.

In June last I received a circular from Governor Evans, requesting me to invite any of the Indians that had not been at war with the whites to Fort Lyon; the Cheyennes and Arapahoes of the North Platte to Fort Collins; the Cheyennes and Arapahoes of the Arkansas at Fort Lyon; the Kiowas and Camanches at Larned, and tell them if they would come in and behave themselves, they should be fed and cared for. I immediately sent Mr. Smith, Jack Smith, who was killed, and Colonel Bent, to all these Indians to carry them this information. During this time occurred this trouble at Fort Larned, by the Kiowas running off the stock. Orders were then issued that no Indians should come to that post, as I understood it. After One Eye had come back and said he had seen Black Kettle, who said he would bring in his Indians, I sent him out again to see what was going on.

During this time orders were issued, I understood from General Curtis, that no Indians should visit a military post; but it was a long while before One Eye got in; he did not get in until the 4th day of September, and he got in then by accident. If he had been met by a soldier he would have been shot; but he happened to meet some other soldiers, who took him prisoner and brought him in then. Major Wynkoop took him and kept him in the guard-house that day.

He told us that there were some white prisoners with the Cheyennes whom they had brought, and whom they were willing to deliver up, if we would go out for them. Major Wynkoop went out with one hundred men, had a conversation with the Indians, and brought in four prisoners, one girl and three children.

Black Kettle and his principal men, some twenty or thirty of them, came in with Major Wynkoop, and went to Denver and had a conference with Governor Evans. The governor declined to make any peace with them, but turned them over to the military. Black Kettle went out and brought in quite a number of lodges, and the young men came in to the post.

Before this time, General Curtis, through representations from some quarter, was apparently led to believe that the Indians were behaving very badly at Fort Lyon; and Major Wynkoop was relieved of his command by Major Anthony. At that time the Arapahoes were there, being fed by Major Wynkoop. When Major Anthony came, he said he was ordered to fight those Indians; but he found things different from what he expected, and he did not think it policy then to fight them; that there was no danger from those Indians; they could be kept there, and killed at any time it was necessary. He told them that he did not feel authorized to give them any rations, and that they better go out a piece where they could kill buffalo.

After Major Wynkoop had brought those Indians in, and until after this fight, I do not know of any depredations having been committed in our country. There may have been some committed below in the vicinity of Fort Larned; but during that time, two months or over, the Indians in our country did not commit any depredations.

Question. Have you any means of knowing the number of Indians in that camp on Sand creek?

Answer. I have no personal knowledge of the number of lodges there. But there were about one hundred lodges of the Arapahoes at the post at the time Major Anthony took the command there. Left Hand's band had gone out to Sand creek, and Black Kettle's band of the Cheyennes.

Question. How many were in Left Hand's band?

Answer. About eight lodges.

Question. How many to a lodge?

Answer. About five.

Question. About how strong was Black Kettle's band?

Answer. I do not know of my own knowledge. I only know from what men told me who had counted them. At one time when One Eye was out, we did suppose, from what we had heard, that the Indians were all going to unite against us.

Question. Judging from all your information as Indian agent, have you any reason to believe that Black Kettle or Left Hand had been guilty of or intended any hostility towards us?

Answer. I have no reason to believe that of either of them.

Question. Have you any reason to know that they desired to remain at peace, and were opposed to fighting the people of the United States?

Answer. Left Hand, who speaks English, told me that he never would fight the whites. He said that some of his boys got mad after he was fired at at Fort Larned. Left Hand had come in there and offered to assist in the recovery ot some stock that had been stampeded there. He was fired on by the soldiers at Fort Larned. He said, "I was not much mad; but my boys were mad, and I could not control them. But as for me, I will not fight the whites, and you cannot make me do it. You may imprison me or kill me; but I will not fight the whites."

Question. What was the feeling of Black Kettle?

Answer. He himself always appeared to be friendly.

Question. Did you ever know of his committing any act of hostility towards the whites, or sanctioning it in others?

Answer. I never did.

Question. What relation did he bear to the Cheyenne tribe of Indians?

Answer. He was acknowledged as the head chief of the southern bands of Cheyennes. There were subordinate chiefs who were heads of bands.

By Mr. Buckalew:

Question. What has become of Black Kettle?

Answer. I have seen a half-breed who was there with Mr. Smith, and could not get back to the soldiers, and ran off with the Indians, and was with them for fourteen days after they got over to the Sioux Indians. From what he told me—and I could rely upon it—Black Kettle was not killed, but Left Hand was wounded, and died after he got over there.

Question. Of the fight itself you know nothing?

Answer. No, sir; I was not there; I was at Fort Lyon at the time.

Question. The Jack Smith who was killed there was the son of a white man?

Answer. Yes, sir; of John Smith.

Question. He was an interpreter?

Answer. He interpreted for me; he spoke both English and Indian.

Question. Had you any reason to think that Mr. Smith or his son entertained any hostility to the whites?

Answer. The old gentleman was always our main man there, communicating with the Indians, for he had lived with them so long. Nobody doubted his fidelity to the government.

Question. Was there any reason to doubt that of the son?

Answer. Captain Hardee informed me, when he went out there on the stage, that he thought Jack Smith was one of the party that attacked the stage. When Jack came I told him what I had heard. He said he had rode up to the stage and wanted to know if his father was in the coach; and he wanted to know what the trouble was that he had heard of in the east; that they then fired upon them, and then the Indians returned the fire.

Question. Was there any other act of Jack denoting hostility?

Answer. I never heard of any. He was at Fort Lyon at work haying there for some men. In July last, I think, Colonel Chivington was at Fort Lyon. This One Eye was near about the fort, and wanted to go out and see the Indians, but was afraid of the soldiers. Colonel Chivington wrote out a certificate of his good character, stating that he was a friendly Indian, and then told him if he came across any soldiers to show that to them; if they shot before he got to them to show a white flag, and that would protect him. He was an Indian we relied upon a great deal for information. He was killed at Sand creek. I asked Colonel Chivington if there was any way these Indians, Black Kettle, Left Hand, and some others, could be treated with. He said his orders from General Curtis were that it could be done on these conditions: that they must give up their stolen property, make restitution for any damage they had done, &c., and I supposed he was going to do that.

Testimony of Governor John Evans.

WASHINGTON, *March* 15, 1865.

Governor JOHN EVANS sworn and examined.

By Mr. Loan:

Question. What is your present official position?

Answer. Governor of Colorado Territory, and superintendent of Indian affairs.

Question. Do you know anything of a band of Indians under the lead of a chief of the name of Black Kettle?

Answer. There is a band of Cheyenne Indians under a chief of that name, roaming over the plains.

Question. In what part of the country were they located, relative to the other bands of Indians?

Answer. The Indians that were with Black Kettle—I do not know that he was the leader of them entirely, but the Indians he went with, and was the chief among, were mainly roaming in the neighborhood of the Smoke Hill and Republican fork, and down on the south Arkansas. Sometimes they went up as far as the Platte.

Question. How many other bands were there?

Answer. There is a band up in the neighborhood of Fort Laramie, some of whose chiefs, the Shield and Spotted Horse, were with them.

Question. Was there any other band of the tribe of Cheyenne Indians than those on the Platte and those on the Arkansas?

Answer. Yes, sir; I think so. How far they were divided into bands it is rather difficult to say; and where each band is located is very difficult to say, because they range from away below the Arkansas to above Fort Laramie, or to Powder river. For years they have been in the habit of roaming back and forth over the plains.

Question. Will you give us the names of the head chiefs of the Cheyennes that you, as superintendent of Indian affairs, recognized?

Answer. There was Black Kettle, White Antelope, and Bull Bear among them.

Question. Having the supreme control of the Cheyenne nation?

Answer. No, sir; I do not think there was any such chief recognized. They had a party of about forty young men, called the Dog soldiers, who several years ago took the control of the tribe mainly out of the hands of the chiefs. They were clubbed together as a band of braves, and the chiefs could not control them.

Question. What part of the country did Black Kettle and the Indians with him occupy during last summer?

Answer. From information which I have received I think they were mainly on the head of the Smoke Hill.

Question. How far from Fort Lyon?

Answer. Sometimes nearer, sometimes farther off. As I stated before, they are entirely nomadic, and they pass from one part of the country to another. The most precise information I have of their precise locality, at any particular time, is the report of Major Wynkoop, who went out and saw their camp, in the latter part of August, or in the early part of September last.

Question. Where were they then?

Answer. At what is called Big Timbers, on the head of Smoke Hill.

Question. Have you any knowledge that they were north of Denver at any time during last summer? If so, state at what places they were.

Answer. I have the information from the chiefs that during the summer they were on the Platte, in the neighborhood of Plum creek, a little west of Fort Kearney; and on the Blue, east of Fort Kearney. They ranged away down into Kansas and Nebraska there during the summer.

Question. From whom did you derive this information?

Answer. It was either Black Kettle or White Antelope who told me so.

Question. At what time?

Answer. At the time of the depredations on the trains that were perpetrated in August last.

Question. I mean at what time did they tell you this?

Answer. They told me so on the 28th of September.

Question. You say they were down on Plum creek at the time these depredations were committed?

Answer. They said the Cheyennes committed them.

Question. What I want to know is whether you have information that Black Kettle, or any of the band that travel with him, had been north of Denver last summer. Did Black Kettle tell you that either he himself, or any of the band under his immediate control, had been there?

Answer. I inferred they had from his saying that the Cheyennes had committed those depredations. As a matter of course I told him they had committed them, because they had some white prisoners who had been captured there, and whom they claimed as theirs. He did not answer to that proposition. He said the Cheyennes committed the depredations east of Kearney. He did not say directly that they had been on the Blue. They gave up to Major Wynkoop the prisoners that were captured on the Little Blue, and then he said that the Cheyennes committed the depredations.

Question. Did Black Kettle say that his band had done it?

Answer. He did not say which band of Cheyennes. I inferred that they were his band because they did not speak of any other bands. These Cheyennes that range on the head of the Smoke Hill and Republican seem all to band together.

Question. What is the distance from their location about Fort Lyon to Fort Kearney, and from there to Little Blue?

Answer. I should have to guess at the distance.

Question. You have travelled that country frequently, have you not?

Answer. Not across in that direction.

Question. You have a general knowledge of that country and the bearing of it, and can estimate it from the route you have travelled?

Answer. From the Big Timbers on the head of the Smoke Hill.

Question. Or about Fort Lyon?

Answer. It is at least from ninety to one hundred miles from Fort Lyon, and from Big Timbers to Fort Kearney would probably be 150 miles. I may be mistaken as to that.

Question. How far east of Denver is Fort Lyon?

Answer. It is southeast.

Question. How far east?

Answer. Something like 100 miles.

Question. What distance is Fort Lyon from Denver by a right line?

Answer. I suppose about 200 miles. It is about 250 miles the way they travel. It must be quite 200 miles on an air line.

Question. Where was it that Black Kettle was telling you about this?

Answer. At Denver.

Question. State the circumstances under which that conversation arose.

Answer. He with other chiefs and headmen——

Question. Please name them.

Answer. I cannot give all their names.

Question. State as many as you can remember.

Answer. Black Kettle, White Antelope, and Bull Bear, of the Cheyennes; Nevy and two or three others of the Arapahoes. They were brought to Denver for the purpose of council by Major Wynkoop, after he had been out to their camp, brought there for the purpose of making a treaty of peace.

Question. You were acting as superintendent of Indian affairs?

Answer. Yes, sir.

Question. What propositions did you make to them, and what was the conclusion of that conference?

Answer. Major Wynkoop's report is published in my report to the Commissioner of Indian Affairs.

Question. That may be; but you can state it?

Answer. In brief, he reported that he had been out to their camp, and found them drawn up in line of battle. He sent in an Indian he had with him to get them to council instead of to fight; and he held a council in the presence of their warriors with their bows and arrows drawn. They agreed to allow these men to come to see me in reference to making peace, with the assurance that he would see them safe back again to their camp, as he states in his report or letter to me in regard to it.

Question. When you saw the Indians, what occurred?

Answer. The Indians made their statement, that they had come in through great fear and tribulation to see me, and proposed that I should make peace with them; or they said to me that they desired me to make peace. To which I replied that I was not the proper authority, as they were at war and had been fighting, and had made an alliance with the Sioux, Kiowas, and Comanches to go to war; that they should make their terms of peace with the military authorities. I also told them that they should make such arrangements, or I advised them to make such arrangements as they could, and submit to whatever terms were imposed by the military authorities as their best course.

Question. What reply did they make to that?

Answer. They proposed that that would be satisfactory, and that they would make terms of peace. The next day I got a despatch from Major General Curtis, commanding the department, approving my course, although he did not know what it was. But the despatch contained an order that no peace should be made with the Indians without his assent and authority; dictating some terms for them to be governed by in making the peace.

Question. Have you a copy of that despatch with you?

Answer. It is published in my annual report.

Question. Did you communicate that fact to the Indians?

Answer. It was after the Indians had left that I received a despatch. The despatch came to the commander of the district; and a copy was sent to me for the purpose of giving me notice.

Question. Was anything further said in that conference with the Indians?

Answer. I took occasion to gather as much information as I could in regard to the extent of hostile feelings among the Indians, and especially in regard to what bands had been committing the depredations along the line and through the settlements, which had been very extensive.

Question. What did Black Kettle say in regard to his band; and what did the other Indians say in regard to their bands?

Answer. Black Kettle said he and White Antelope had been opposed all the time to going to war, but they could not control their young men—these Dog soldiers; they have been very bad.

Question. These Dog soldiers were on the Blue?

Answer. They were in his camp; they were his young men; Black Kettle was an old man.

Question. Where was his camp?

Answer. At the Big Timbers.

Question. Where Major Wynkoop found them?

Answer. Yes, sir.

Question. How do you know that fact?

Answer. By the statement that their warriors were there.

Question. Did Major Wynkoop make that statement to you?

Answer. Yes, sir; in his letter to me giving the circumstances under which he brought these Indians to me.

Question. Did Major Wynkoop report to you that the Dog soldiers, of the Cheyennes, were in Black Kettle's camp?

Answer. He did not mention the Dog soldiers; but the Dog soldiers are warriors of the Cheyenne tribe.

Question. I understand that; but you say there is no head chief that you recognized as such. I wanted to know if these Dog soldiers belonged to the band under the lead of Black Kettle?

Answer. The Dog soldiers belonged to the bands commanded by Black Kettle, White Antelope, and Bull Bear, which all run together. There is no known separation among them.

Question. Do I understand you, then, to say that the Indians indiscriminately occupy that country from below the Arkansas to the North Platte?

Answer. The Cheyenne Indians, the Sioux Indians, the Arapahoe Indians, roam indiscriminately through there.

Question. Then there was no particular band that made their homes about the head of the Smoky fork?

Answer. There were a number of bands and tribes that hunted through there indiscriminately.

Question. What I want to know is the usual locality of Black Kettle's band?

Answer. It was like all the rest. He goes where he thinks there is the best hunting; he ranges from one part of the country to the other.

Question. Do you know that the Indians known as Dog soldiers ever were in Black Kettle's camp; and if so, at what time, and how do you know the fact?

Answer. I will not name them as Dog soldiers.

Question. I mean the warriors known as the Dog soldiers of the Cheyennes Indians. Have they ever been in his camp at any time that you know of?

Answer. Bull Bear, who was to see me, was the head of the Dog soldiers himself, the head one of that band, a sub-chief. They said they left nearly all their warriors at this bunch of timbers.

Question. Where Black Kettle's camp was?

Answer. Black Kettle was in the camp. You have the idea that Black Kettle had some particular camp. The distinction between White Antelope and Black Kettle, as an authority among the tribes, has varied at different times. The government has never recognized either of them as head chief that I know of.

Question. You have omitted to answer the question whether you know of these Dog soldiers, at any time or at any place, being in Black Kettle's camp or under his control?

Answer. I know the answer that Bull Bear gave when he came to Denver. He was recognized as the leader of the Dog soldiers. He, with Black Kettle and White Antelope, said that they left their warriors down at the bunch of timbers; and Major Wynkoop reports the same thing.

Question. You inferred that the warriors referred to were the Dog soldiers?

Answer. I did.

Question. At this conference, when Bull Bear told you this, what did he say in regard to war and peace?

Answer. He said he was ready to make peace. They spoke of some of their warriors being out. Their war is a guerilla warfare. They go off in little bands of twenty or thirty together and commit these depredations, so that there is scarcely ever more than that many seen in any of these attacks. They reported that some of their young men were out upon the war-path, or had been out, and they did not know whether they were in at the time. That, I think, was stated at that time, or in a communication that came from them a short time before this. I got a letter from Black Kettle through Bent; it was sent up to me. Upon which Major Wynkoop went out to their camp, and either that or their statement at the conference gave me the information that a portion of their warriors were still out.

Question. How did Major Wynkoop know in regard to this letter or its contents?

Answer. It was brought in to Major Colley, at Fort Lyon, where Major Wynkoop was in command, by two or three Indians; and immediately upon their coming in Major Wynkoop took these Indians, and went with them, as guides.

Question. That was before you saw the letter?

Answer. Yes, sir; and they immediately sent me a copy of the letter.

Question. Did these Indians propose to do anything that you, as their superintendent, directed them to do in this matter, for the purpose of keeping peace?

Answer. They did not suggest about keeping peace; they proposed to make peace. They acknowledged that they were at war, and had been at war during the spring. They expressed themselves as satisfied with the references I gave them to the military authorities; and they went back, as I understood, with the expectation of making peace with "the soldiers," as they termed them—with the military authorities.

Question. Why did you permit those Indians to go back, under the circumstances, when you knew they were at war with the whites?

Answer. Because they were under the control and authority of the military, over which I, as superintendent of Indian affairs, had no control.

Question. Did you make application to the district commander there to detain those Indians?

Answer. No, sir.

Question. Why did you not do it?

Answer. Because the military commander was at the council.

Question. What was his name?

Answer. Colonel Chivington. I told the Indians he was present and could speak in reference to those matters we had been speaking about.

Question. Were any orders given to Major Wynkoop, either by yourself or by Colonel Chivington, in regard to his action towards those Indians?

Answer. I gave no orders, because I had no authority to give any.

Question. Did Colonel Chivington give any?

Answer. He made these remarks in the presence of the council: that he was commander of the district; that his rule of fighting white men and Indians was to fight them until they laid down their arms; if they were ready to do that, then Major Wynkoop was nearer to them than he was, and they could go to him.

Question. Do you know whether he issued any orders to Major Wynkoop to govern his conduct in the matter?

Answer. I do not. Major Wynkoop was not under his command, however. I understood that Fort Lyon was not in the command that Colonel Chivington was exercising at the time. It was a separate command, under General Blunt, of the military district of the Arkansas, as I understood it.

Question. Were the Indian chiefs sent back to their homes in pursuance of any orders given to Major Wynkoop, that you know of?

Answer. No, sir. I will say further, in regard to my course, that it was reported to the Indian bureau, and approved by the Indian bureau as proper, not to interfere with the military, which will appear in my annual report. I have no official knowledge of what transpired after this council, so far as these Indians are concerned, except that I notified the agent that they were under the military authority, and I supposed they would be treated as prisoners.

Question. How long have you been superintendent of Indian affairs there?

Answer. Since the spring of 1862.

Question. Have you any knowledge of any acts committed by either of those chiefs, or by the bands immediately under their control—any personal knowledge?

Answer. In 1862, a party of these Dog soldiers——

Question. I am not asking about the Dog soldiers, but about Black Kettle's band.

Answer. They are the same Indians. The Dog soldiers were a sort of vigilance committee under those old chiefs.

Question. I understood you to say, a few minutes ago, that the Dog soldiers threw off the authority of the old chiefs, and were independent of them?

Answer. That they managed the tribe instead of the chiefs.

Question. What act of hostility was committed by the Dog soldiers, in pursuance of the authority of any of the chiefs of the nation?

Answer. That I could not say, for I have no way of ascertaining what authority they have—only what I gather from the agent, who was intimate with them.

Question. What is the name of that agent?

Answer. Colley. He is familiar with those Indians, and said that the Dog soldiers were to blame for their ugly conduct.

Question. That is what I understand; and I wanted you, as superintendent of Indian affairs, to tell us if these Dog soldiers were under the command of any chief that had control of them, and the name of that chief, if you know it.

Answer. The identification of the chief that commands them is what I am not able to do, because they have in that band, or tribe, the chiefs that I have mentioned. Which of them is superior in authority I am not advised.

Question. What was the general reputation of Black Kettle, as a hostile or a friendly Indian, during your control there as superintendent of Indian affairs?

Answer. Black Kettle has had the reputation of being himself a good Indian.

Question. Peaceably inclined, and well disposed towards the whites?

Answer. Yes, sir; and White Antelope more particularly. But I was going on to state in regard to their conduct. In the summer of 1862 a party of warriors of the Cheyennes came to Denver and called on me, and wanted something to eat.

Question. Can you designate what particular band they belonged to?

Answer. They were of the same band we are fighting about the Blue—Black Kettle, White Antelope, and Bull Bear's Indians, that range mainly down in the neighborhood of Smoke Hill. They came to Denver on a war expedition against the Utes. I advised them to cease their hostilities. When I went there I had an idea of trying to get everybody to live without fighting, the Indians among the rest. The Indians on the mountains and on the plains spent their time in chasing one another. I was in this delicate position: the Utes, who are a very warlike and dangerous tribe, had got a jealousy of the Indians on the plains, and the whites who live on the plains also. The whites were constantly giving presents to the begging portion of the plains Indians. The superintendency and the agency were constantly giving goods to them; and the Utes complained that the whites were fitting out the plains Indians in their war parties against the Utes, which was true to some extent. The Utes said that when they chased the Cheyennes and Arapahoes, which run together almost constantly, and the Sioux—there are parties of Sioux with the Arapahoes and Cheyennes in nearly all their war parties—when the Utes would chase them down into the plains, they had to stop because the whites interfered, and they did not dare to go down into the plains. They were of the opinion that the whites were taking the side of the Indians of the plains; and they were on the point of going to war with us.

I suggested to these Indians that it was better for them to make peace. I went with Colonel Leavenworth down to the camp of the Sioux, Arapahoes, and Cheyennes, at a subsequent period, and tried to arrange with them. I had a Ute agent with me to make the arrangement to quit fighting. When this party came, in 1862, I mentioned these things, showing the advantages, and

they promised me they would go back; I gave them some bacon and flour, and other things, for subsistence. They started under a promise that they would go back, and not go up to the Utes, and jeopard our safety with them. Instead of that, they started for the South Park, the Ute battle-ground, where they usually fight, and the next day or two afterwards messengers came in from the settlers on the road, saying that the Indians were committing depredations; that they had cleaned out and outraged one landlord; had insulted a woman; had gone in and taken possession of several of these sparsely settled places; had made one woman cook for the whole party, and I think they had sent in for protection. Some six soldiers went up to protect the neighborhood; but when they got there, these Indians had gone back on the plains by another route.

Question. What was the name of the chief in command of that party?

Answer. I do not know; that was their first visit.

Question. Was it Black Kettle, or White Antelope, or Bull Bear?

Answer. I could not say it was not them, nor that it was. It was a party of warriors from the same party that Black Kettle, White Antelope and Bull Bear ranged with.

Question. Although you had a conversation with them, and furnished them with supplies, and induced them to return, you do not know the name of the chief?

Answer. There were several chiefs.

Question. Can you name any one of them?

Answer. I cannot give the name; I might get it if I were in my office.

Question. As governor of Colorado Territory, did you have any troops organized there last summer?

Answer. Yes, sir; I organized a regiment.

Question. For what term of service?

Answer. For one hundred days.

Question. Who was the colonel of that regiment?

Answer. George L. Shoup.

Question. Did you ever issue any orders to that regiment, or to any part of it?

Answer. No, sir.

Question. Were they organized as United States troops?

Answer. Yes, sir.

Question. Were they placed under the control of the district commander as soon as organized?

Answer. Before they were organized, for this reason: while the regiment was being raised, there was information come in of a camp of about 800 of these Indians; a report of which will be found in my annual report to the Commissioner of Indian Affairs. It came in in this way: Little Geary, a grandson of the signer of the Declaration of Independence, lives on the Platte, sixty miles south of Denver. In the night two Cheyenne chiefs came to him.

Question. What were their names?

Answer. It seems to me one of them was Crooked Neck. The statement I was going to make was this: these Indians came in and notified Geary to get out of the way. He was living on ranch with a large amount of stock, and with a Cheyenne wife. He had Spotted Horse there with him under protection. Spotted Horse, a Cheyenne Indian of Fort Laramie, had been friendly all the time, and was there under protection. These Indians made these statements to him, as you will see in the printed copy of my report to the Commissioner of Indian Affairs.

I think about 800 Indians were camped at the head of Beaver, at the Point of Rocks on the Beaver, which is about 120 miles east of Denver, composed of Arapahoes, Cheyennes, Sioux, Kiowas, Camanches and Apaches. They said

that their plan was, in two or three nights, to divide into small parties of about 200, going in the neighborhood of ———, which was about 40 miles below Geary's; 100 going just above Geary's to Fort Lumpton; about 250 to the head of Cherry creek, which is 25 or 30 miles south of Denver; and the remainder of them to go to the Arkansas, at Fountaine que Bonille. That these parties were to be divided into little bands, and each take a farm-house, clean it out and steal the stock, and in this way commit the most wholesale and extensive massacre that has ever been known. I have no doubt it would have been so, but for the vigilance that was taken to prevent it.

Geary, who is an educated and sensible man, immediately took Spotted Horse, who heard these Indians give their account; it was done confidentially by them. Geary, who has been in my employ as a spy over the Indians, who has been out among them as a messenger, started the next morning—they got to his house about midnight, or 2 o'clock. Geary started immediately in the morning with Spotted Horse, and got to my house at 11 o'clock; riding between 60 and 70 miles during the day, for the purpose of giving me this information. I immediately notified the district commander, and put the recruits which were supposed to be subject to my command under his command, by an order; and any militia that might be organized was subject to his command for the purposes of defence. He sent express in every direction to notify the settlers. I telegraphed, and also sent messengers. It so happened that a militia company had gone down there, and were near that, and that a militia company had gone to Fort Lumpton, or near there.

The Indians came in at these different points on the second night, skulking along under the bluffs, where their trails were seen. They found the settlements all alarmed, and went back again, except at the head of Cherry creek, where they killed two or three and took quite a large number of cattle; and at Fort Lumpton they killed one man. And before Geary got back they stole some of his horses and the horses of one or two of his neighbors, and ran them off.

Question. At what time was this?

Answer. It must have been early in August.

Question. At what time was this hundred-days regiment organized?

Answer. Early in September.

Question. At what time was it mounted?

Answer. Some companies were mounted before the regiment was full; others were mounted subsequently, as they could get horses.

Question. How were horses obtained, and from whom?

Answer. The quartermaster of the department.

Question. Do you know anything further than you have stated in connexion with this attack upon Black Kettle and his band on Sand creek? Did you issue any orders, or take any part in any transaction having in view any such attack?

Answer. I did not know anything about it. After I got here, I got a letter from the secretary of the territory, saying it was rumored they were going there.

Question. Whom did "they" refer to?

Answer. Colonel Chivington and his force. I think he said it was surmised that they were going to Fort Lyon. It is proper for me to say that I understood they were going to make an expedition against the Indians. But I had no knowledge of where they were going.

Question. After Major Wynkoop left you in September, do you know what was done with these Indians?

Answer. I do not.

Question. Do you know what action the Indians took afterwards?

Answer. I do not.

Question. Do you know where they were encamped?

Answer. I accidentally heard—I had no official knowledge of the fact—that there were several hundred of them at Fort Lyon. The next day after this council I started for a place about 300 miles off, to hold a treaty with the Utes down on the Rio Grande, and was gone nearly a month.

Question. At what time did you start to come east?

Answer. I think I started on the 15th of November.

Question. Is Colonel Shoup yet in service?

Answer. No, sir; when I came away he was encamped at Bijou Basin, about 75 miles east of Denver, where they had been for a considerable length of time.

Question. How did he get out of the service?

Answer. His time expired, and he was regularly mustered out, so I understand.

Question. You have not been back since?

Answer. No, sir.

Question. Was there any property accounted for to you, or to any officer of the government, so far as you know, that was taken at Black Kettle's camp?

Answer. Not any. I would say, however, that any property the army captured they would not be likely to turn over to me.

I was asked if I knew of any depredations committed by these Indians, and I stated what was done in 1862. Before going further, I will say, that Black Kettle told me in that council that he and White Antelope had been opposed to depredations all the time, but could not control their tribes. They admitted that their tribes, that the Arapahoes and Sioux, had made a large number of attacks, and told me where each depredation I inquired about had been committed by the different tribes.

I gave to the committee of investigation on Indian affairs, the other day, a sketch of the minutes kept of that council. There was quite a large number of these depredations referred to and inquired of in that council, but not by any means all the depredations that were committed last summer.

The Cheyennes commenced their depredations early in the spring with the Arapahoes, Kiowas, Comanches, and Sioux. Agreeably to a previous treaty or council held by them in the winter of 1863 and 1864—which treaty was the consummation of an arrangement that the Sioux tried to make with our Indians in 1863, which I reported to the Indian bureau, and they sent me out authority to treat with them—I went to the head of the Republican, and spent about a month there trying to get them together, having my messengers out. Little Geary went to the camp of Bull Bear, Black Kettle, White Antelope, and a large number of others. The report of this attempt is published in my annual report for 1863.

The result of that failure was, that they told Mr. Geary, after agreeing first to come and see me, that they had made up their minds to have nothing more to do with us; that they did not want any more of our goods; that they might as well be killed as starved to death; that they were being driven out of their country by the whites; that they repudiated the treaty of Fort Wise, under which we were making preparations to settle them, as you will see by looking into my report, in which I give Geary's sworn statement.

After coming back a portion of these Indians ran together. You will observe that they made the treaty of 1861 together. A portion of them commenced committing depredations that fall. They stole a lot of horses, a portion of which we recovered in the autumn. A man who was present at their "big medicine" on the Arkansas, by the name of North, came to me privately and secretly from this band of Indians that committed depredations in November, 1863, within about twenty miles of Denver; he came to me from their camp, and made a statement which I forwarded to the War Department and to the Indian bureau, which is also in my annual report for this year.

North told me that the Kiowas, Comanches, Apaches, Cheyennes, a portion of the Arapahoes, and the Sioux, had held a council, at which he was present, and shook hands over it. That they would pretend to be friendly with the whites until they could get sufficient ammunition; then in the spring they would divide into little parties and commence a war on the whites. Early last spring the first depredation they committed was to steal one hundred and seventy-five head of cattle, which was done by the Cheyennes, from Irwin & Jackman, government contractors, for transportation across the plains. Irwin & Jackman's men followed them about twenty miles down Sand creek, until they struck off to the head of the Republican. They then came to Denver and reported to the military commander, Colonel Chivington, and requested a force to go with them to recover their cattle. That force was sent out, and after being gone a week or two they returned, having recovered about a dozen of the cattle, one soldier having been wounded. He returned for the want of subsistence, and was sent again, and went through to Fort Larned on the route. That was Lieutenant Ayres, and during the time he was gone he had a battle with the Indians, in which they drove him. They attacked him as he was passing through with his battery to Fort Larned, which is in Kansas. At that battle one of the Indians, who was said to be a very friendly Indian to the whites, was killed. He was said to be in favor of making peace, and preventing the battle, and was in the act of trying to pacify the Indians when he was shot. But Lieutenant Ayres's report has never been furnished to me, and consequently I cannot give the details of it; but this was the statement the lieutenant made when he got back. He got away from the Indians without being captured. They were in very large force. He got away and got to Fort Larned. That is the end of the effort to get back these cattle. He and the rest of his battery—he had a section of a battery, I think, two guns—was at Fort Larned for some time. But the commander there, who was said to be an intemperate man, was not on the alert; and the Kiowas and some other Indians, mainly Kiowas, captured the whole of the battery's horses, one hundred and forty, and ran them off right from the fort. While Satant, the commander of the Indians, was talking with the officer in command, making great professions of friendship at the time, they made this raid upon the battery's horses and got away with them.

I would say still further, that to give a description of all the depredations that were committed during the summer, and fall, and this winter, would require a statement which would be very extensive. I would like this, as there is an impression in the minds of people here that the Indian war out there has not amounted to much—I would like this, that this committee, for the purpose of ascertaining, would deputize somebody to gather the reports of the attacks, the number of people killed, and the amount of property destroyed during the past year.

By Mr. Gooch:

Question. With all the knowledge you have in relation to these attacks and depredations by the Indians, do you think they afford any justification for the attack made by Colonel Chivington on these friendly Indians, under the circumstances under which it was made?

Answer. As a matter of course, no one could justify an attack on Indians while under the protection of the flag. If those Indians were there under the protection of the flag, it would be a question that would be scarcely worth asking, because nobody could say anything in favor of the attack. I have heard, however—that is only a report—that there was a statement on the part of Colonel Chivington and his friends that these Indians had assumed a hostile attitude before he attacked them. I do not know whether that is so or not I have said all I have had to do with them. I supposed they were being treated as prisoners of war in some way or other.

I had a letter from General Curtis, after I got here, saying he was troubled to know what to do with so many nominal prisoners of war, as they were so expensive to feed there. The subsistence of the fort was short, and it was a long way to get subsistence, and through a hostile country, and he was troubled to know what to do with them.

Question. But from all the circumstances which you know, all the facts in relation to that matter, do you deem that Colonel Chivington had any justification for that attack?

Answer. So far as giving an opinion is concerned, I would say this: That the reports that have been made here, a great many of them, have come through persons whom I know to be personal enemies of Colonel Chivington for a long time. And I would rather not give an opinion on the subject until I have heard the other side of the question, which I have not heard yet.

Question. I do not ask for an opinion. Do you know of any circumstance which would justify that attack?

Answer. I do not know of any circumstance connected with it subsequent to the time those Indians left me and I started for another part of the country. It is proper for me to say, that these attacks during the summer, and up to the time I came away, were of very frequent occurrence. The destruction of property was very great. Our people suffered wonderfully, especially in their property, and in their loss of life. They murdered a family some twenty-odd miles east of Denver. The attacks by hostile Indians, about the time I came away, were very numerous along the Platte. There was an attack as I came in, about the month of November. It was in the evening, about sundown, and I passed over the ground in the night in the stage with my family, and a few days afterwards a party of emigrants, returning from Colorado, were murdered near the same ground, which was near Plum creek; and for a considerable length of time, immediately after I came in, the attacks were very numerous and very violent, until the stage was interrupted so that it has not been running since, until within a few days.

I started home and could not get there because there was no transportation. I came back here and shall return in a few days again. I mention this in order to do away with the impression that might exist that hostilities had ceased, and that this attack of Colonel Chivington had excited the recent hostilities.

These Indians told me, when they were there, that the Sioux were in large force on the head of the Republican, and would make an attack about the time I expected to come in. I delayed my coming in a short time on account of what they told me, and when I did come in I found some Indians commencing their depredations, which they continued about the month following, both before and after the attack made by Colonel Chivington. General Curtis wrote to me that he did not think Chivington's attack was the instigation of the hostilities perpetrated along the Platte.

Testimony of Mr. A. C. Hunt.

WASHINGTON, *March* 15, 1865.

Mr. A. C. HUNT sworn and examined.

By Mr. Loan:

Question. Where do you reside?

Answer. I reside at Denver, Colorado.

Question. What is your official position?

Answer. I am United States marshal for the district of Colorado. I have been in Denver since 1859.

Question. Do you know anything in connexion with the killing of the Indians at Sand creek, about the last of November, 1864?

Answer. I do not suppose I know anything that would be admissible as evidence. All I know is from general rumor, not being on the ground at all. I was in Denver when the regiment returned.

Question. Did you hear anything about it from Colonel Chivington, or any one of his command?

Answer. I heard an immense sight from soldiers in his command.

Question. State what they told you.

Answer. I also talked a long time with the guide, James Beckwith, after they returned.

Question. State anything that was said by any one connected with that transaction in regard to what was done.

Answer. I talked longer with Melrose, a private in Captain Baxtor's company, under Colonel Shoup. He gave me quite a history of the fight, and everything pertaining to it. He enlisted from the Arkansas. There is a general disposition, on the part of those who enlisted from that neighborhood, to cry down the whole transaction as being very badly managed, and very murderous. They made no secret of telling what had been done, but made no boast of it at all. They said they were heartily ashamed of it.

Question. State what they said was done.

Answer. According to their understanding, when they started out, they were enlisted for the purpose of fighting hostile Indians, there being any quantity of them on the plains. They knew nothing of their whereabouts. They went under the orders of Colonel Chivington, who led the command. They came within 80 miles of Fort Lyon, where they were halted for some days, and all communication stopped. No person, not even the United States mail, was permitted to go down the road for quite a length of time, until the forces which had been straggling back had all been collected together. When they did march to Fort Lyon they went very rapidly, taking every person about the fort by surprise, no person anticipating their coming at all. Their first movement was to throw a guard around the fort. That surprised the soldiers very much; they said they did not know the object of it. That night they were ordered to march again in a northeast direction. I think that and perhaps the next night they marched some 35 miles to fall upon this camp of Indians on Sand creek. None of the soldiers were posted as to what Indians they were fighting, or anything about it, until they got an explanation, after the attack was made, from various white men in the camp. Those white men told the soldiers that they were Black Kettle's band, who had been there for some time; a part of the time had been drawing rations from the fort—were, to all intents and purposes, friendly Indians. Beyond that I know that the colonel, as soon as the fight was over, came back to Denver. I met him the day he came in. The command afterwards returned in marching time. They had evidences of what they had been doing—among the rest, White Antelope's medal; I think they had about 20 of Black Kettle's scalps—quite that many, I think, were exhibited; they had White Antelope's commission, or something like that, from Commissioner Dole—something like a recommend; they had a thousand and one trophies in the way of finely worked buffalo robes, spurs, and bits, and things of that kind; all of which, I suppose, was contraband of war—they were taken on the field of battle.

Question. Did they say anything about how the attack was made, at what time, and under what circumstances?

Answer. I understood them to say it was made just at daylight. The Indians that were not armed almost all fled and escaped. The impression of the men I talked with was that they had killed over 100 of them; the impression of some others was that they had killed 400 or 500.

Question. Was anything said about killing women and children?

Answer. Yes, sir; they killed everything alive in the camp that they could get at. I believe that was part of the understanding, that none should be spared. I believe it is generally the understanding that you fight Indians in that way.

Question. What were those ornamented buffalo robes worth in the market?

Answer. They are very valuable—worth from $20 to $50 each.

Question. In whose possession did you see them?

Answer. They were mostly in private hands—in the hands of the men who were in the fight; by permission, I suppose. I do not suppose there was any demand made for them by any person. I suppose each man who had one of them thought he was entitled to it.

Question. Is that the rule out there, that the soldiers of the United States are entitled to all they capture?

Answer. That is the only battle they have ever had; so that I do not know as there is any particular rule about that matter.

Question. How long did they say the fight continued?

Answer. I am under the impression now that they said it continued some two or three hours. That is my impression from the representations made by the parties engaged in the fight.

Question. How many Indians did they say were engaged in the fight?

Answer. It has been estimated that there were from 500 to 3,000 there. I suppose the agent knows almost exactly how many there were of them. They judge from the lodges, and there are from five to six in a lodge, so far as my experience goes. From the best information I could get there were from 100 to 120 lodges there.

Question. Was there anything said about the number that escaped?

Answer. A large proportion of them escaped; that was the supposition of the soldiers I talked with.

Question. In what way, on horseback or on foot?

Answer. Those of the warriors who had horses that they could get hold of escaped on horseback. The women and young ones, who had no horses, went on foot.

Question. Did they take any prisoners in that fight?

Answer. I never heard of any prisoners being taken that were brought in.

Question. Do you know whether they captured any property from the Indians?

Answer. I think they were possessed of no property except what I have mentioned.

Question. Did they have no horses, ponies, and mules?

Answer. Yes, sir; I saw a great many ponies. A New Mexican company was mostly mounted on ponies that they had captured. I saw them come in on Indian horses; they were poor, thin horses.

Question. Did you hear Colonel Chivington himself say anything about that transaction?

Answer. No, sir, except in a public speech he made afterwards, and in that he did not say much about it.

Question. Did he assign any reason why, under the circumstances, he attacked that band of Indians?

Answer. He said all the time that they were hostile Indians, and was very wroth with any of the community who knew anything about the Indians, who had been in the country a long while, who knew something about Black Kettle and White Antelope, and who denominated them friendly Indians, and who differed with him as to the policy of bringing those Indians down upon us at that time. He was very wroth with me particularly, and one or two others; and I suppose that was what brought forth the remarks that he made.

Question. What was his policy?

Answer. To exterminate the Indians.

Question. To kill them all?

Answer. Yes, sir, I should judge so; and that seemed to be quite a popular notion too.

Question. Did you have any means of knowing the reputation of Black Kettle and White Antelope?

Answer. We have always regarded Black Kettle and White Antelope as the special friends of the white man ever since I have been in the country.

Question. Do you know of any acts of hostility committed by them, or with their consent?

Answer. No, sir; I do not.

Question. Did you ever hear any acts of hostility attributed to them by any one?

Answer. No, sir.

By Mr. Gooch:

Question. Is there a general feeling among the whites there in favor of the extermination of the Indians?

Answer. That feeling prevails in all new countries where the Indians have committed any depredations. And most especially will people fly off the handle in that way when you exhibit the corpse of some one who has been murdered by the Indians. When they come to their sober senses they reflect that the Indians have feelings as well as we have, and are entitled to certain rights; which, by the by, they never get.

Question. Had there been any such acts committed by the Indians at that time?

Answer. No, sir; not for months. But last summer there were exhibitions that were horrid to tell, and there were terrible imprudences in consequence. Persons killed thirty or forty miles off were brought into Denver and exhibited there.

Question. There had been nothing of that kind for some time previous to this attack by Colonel Chivington?

Answer. No, sir.

Question. Do you know of any motive which actuated Colonel Chivington in making this attack?

Answer. It may be invidious in me to give my idea of his motive. I was entirely satisfied that his motive was not a good and virtuous one—so much so, that when I was where he stopped his command I wrote a letter to Judge Bennett, giving him my views about the matter, and telling him what I thought was his object. We regarded those Indians on the reservation as safe, and ought not to be attacked. That opinion, perhaps, was not shared by the community, though I presume the great majority of the command were aware of the Indians they were going to kill.

Question. If you have no objection, I would like you to state what you think was his motive.

Answer. I think it was hope of promotion. He had read of Kit Carson, General Harney, and others, who had become noted for their Indian fighting. I have no objection to state that.

Mr. Gooch. The reason why I ask these questions is, that this attack seems to us to be of such a character that we are anxious to ascertain, if possible, what could have been the motive which actuated an officer to make such an attack under the circumstances.

The witness. I have no doubt that what I have stated was one motive.

Papers submitted by Hon. H. P. Bennet, delegate in Congress from Colorado Territory.

WASHINGTON CITY, *March* 20, 1865.

SIR: I am compelled to leave to-night for New York, to be gone several days, and it will likely be impossible for me to appear before the committee at all. But, as you requested, I will furnish the committee with such official and unofficial documents as I have touching upon the "Sand creek affair."

Herewith enclosed please find the official reports of all the principal officers engaged in the transaction; also, a copy of Governor Evans's proclamation, after which the one-hundred-day regiment was raised; also, some slips cut from the "Rocky Mountain News," the organ of Governor Evans, and edited by the postmaster at Denver; also, find an extract from Secretary Elbert's message made to the legislature and published in the "Rocky Mountain News." All the foregoing papers I believe to be genuine copies of what they purport to be.

Very respectfully,

H. P. BENNET.

Hon. Mr. GOOCH.

Proclamation by Governor Evans, of Colorado Territory.

PROCLAMATION.

Having sent special messengers to the Indians of the plains, directing the friendly to rendezvous at Fort Lyon, Fort Larned, Fort Laramie, and Camp Collins for safety and protection, warning them that all hostile Indians would be pursued and destroyed, and the last of said messengers having now returned, and the evidence being conclusive that most of the Indian tribes of the plains are at war and hostile to the whites, and having to the utmost of my ability endeavored to induce all of the Indians of the plains to come to said places of rendezvous, promising them subsistence and protection, which, with a few exceptions, they have refusedto do:

Now, therefore, I, John Evans, governor of Colorado Territory, do issue this my proclamation, authorizing all citizens of Colorado, either individually or in such parties as they may organize, to go in pursuit of all hostile Indians on the plains, scrupulously avoiding those who have responded to my said call to rendezvous at the points indicated; also, to kill and destroy, as enemies of the country, wherever they may be found, all such hostile Indians. And further, as the only reward I am authorized to offer for such services, I hereby empower such citizens, or parties of citizens, to take captive, and hold to their own private use and benefit, all the property of said hostile Indians that they may capture, and to receive for all stolen property recovered from said Indians such reward as may be deemed proper and just therefor.

I further offer to all such parties as will organize under the militia law of the Territory for the purpose to furnish them arms and ammunition, and to present their accounts for pay as regular soldiers for themselves, their horses, their subsistence, and transportation, to Congress, under the assurance of the department commander that they will be paid.

The conflict is upon us, and all good citizens are called upon to do their duty for the defence of their homes and families.

In testimony whereof, I have hereunto set my hand and caused the great seal of the Territory of Colorado to be affixed this 11th day of August, A. D. 1864.

[SEAL.] JOHN EVANS.

By the governor:

S. H. ELBERT, *Secretary of Colorado Territory.*

OFFICIAL REPORTS OF OFFICERS ENGAGED IN THE AFFAIR OF SANDY CREEK, PUBLISHED IN THE ROCKY MOUNTAIN NEWS.

First report of Colonel Chivington.

HEADQUARTERS DISTRICT OF COLORADO,
In the field, on Big Bend of Sandy Creek, Col. Ter., Nov. 29, 1864.

SIR: I have not the time to give you a detailed history of our engagement of to-day, or to mention those officers and men who distinguished themselves in one of the most bloody Indian battles ever fought on these plains. You will find enclosed the report of my surgeon in charge, which will bring to many anxious friends the sad fate of loved ones who are and have been risking everything to avenge the horrid deeds of those savages we have so severely handled. We made a forced march of forty miles, and surprised, at break of day, one of the most powerful villages of the Cheyenne nation, and captured over five hundred animals; killing the celebrated chiefs One Eye, White Antelope, Knock Kno, Black Kettle, and Little Robe, with about five hundred of their people, destroying all their lodges and equipage, making almost an annihilation of the entire tribe.

I shall leave here, as soon as I can see our wounded safely on the way to the hospital at Fort Lyon, for the villages of the Sioux, which are reported about eighty miles from here, on the Smoky Hill, and three thousand strong; so look out for more fighting. I will state, for the consideration of gentlemen who are opposed to fighting these red scoundrels, that I was shown, by my chief surgeon, the scalp of a white man taken from the lodge of one of the chiefs, which could not have been more than two or three days taken; and I could mention many more things to show how these Indians, who have been drawing government rations at Fort Lyon, are and have been acting.

Very respectfully, your obedient servant,

J. M. CHIVINGTON,
Col. Comd'g Colorado Expedition against Indians on Plains.

CHAS. WHEELER, A. A. A. G.,
Headquarters District of Colorado, Denver.

Second report of Colonel Chivington.

HEADQUARTERS DISTRICT OF COLORADO,
Denver, C. T., December 16, 1864.

GENERAL: I have the honor to transmit the following report of operations of the Indian expedition under my command, of which brief notice was given you by my telegram of November 29, 1864:

Having ascertained that the hostile Indians had proceeded south from the Platte, and were almost within striking distance of Fort Lyon, I ordered Colonel Geo. L. Shoup, 3d regiment Colorado volunteer cavalry, (100-day service,) to proceed with the mounted men of his regiment in that direction.

On the 20th of November I left Denver and Booneville, C. T.; on the 24th of November joined and took command in person of the expedition which had been increased by a battalion of the 1st cavalry of Colorado, consisting of detachments of companies C, E and H. I proceeded with the utmost caution down the Arkansas river, and on the morning of the 28th instant arrived at Fort Lyon, to the surprise of the garrison of that post. On the same morning I resumed my march, being joined by Major Scott J. Anthony, 1st cavalry of Colorado, with one hundred and twenty-five men of said regiment, consisting of detachments of companies D, G and H, with two howitzers. The command

then proceeded in a northeasterly direction, travelling all night, and at daylight of the 29th November striking Sand creek about forty (40) miles from Fort Lyon.

Here was discovered an Indian village of one hundred and thirty (130) lodges, composed of Black Kettle's band of Cheyennes and eight (8) lodges of Arapahoes, with Left Hand. My line of battle was formed with Lieutenant Wilson's battalion of the 1st regiment, numbering about 125 men, on the right, Colonel Shoup's 3d regiment, numbering about 450 men, in the centre, and Major Anthony's battalion, numbering 125 men, 1st regiment, on the left.

The attack was immediately made upon the Indian's camp by Lieutenant Wilson, who dashed forward, cutting the enemy off from their herd, and driving them out of their camp, which was subsequently destroyed.

The Indians, numbering from 900 to 1,000, though taken by surprise, speedily rallied and formed a line of battle across the creek, about three-fourths of a mile above the village, stubbornly contesting every inch of ground.

The commands of Colonel Shoup and Major Anthony pressed rapidly forward and attacked the enemy sharply, and the engagement became general, we constantly driving the Indians, who fell back from one position to another for five miles, and finally abandoned resistance and dispersed in all directions and were pursued by my troops until nightfall.

It may, perhaps, be unnecessary for me to state that I captured no prisoners. Between five and six hundred Indians were left dead upon the field. About five hundred and fifty ponies, mules and horses were captured, and all their lodges were destroyed, the contents of which has served to supply the command with an abundance of trophies, comprising the paraphernalia of Indian warfare and life. My loss was eight (8) killed on the field and forty (40) wounded, of which two have since died. Of the conduct of the 3d regiment (100-day service) I have to say that they well sustained the reputation of our Colorado troops for bravery and effectiveness; were well commanded by their gallant young Colonel, Geo. L. Shoup, ably assisted by Lieutenant Colonel L. L. Bowen, Major Hal Sayr and Captain Theodore G. Cree, commanding 1st, 2d and 3d battalions of that regiment

Of the conduct of the two battalions of the 1st regiment I have but to remark that they sustained their reputation as second to none, and were ably handled by their commanders, Major Anthony, Lieutenant Wilson and Lieutenant Clark Dunn, upon whom the command devolved after the disability of Lieutenant Wilson from wounds received.

Night coming on, the pursuit of the flying Indians was of necessity abandoned, and my command encamped within sight of the field.

On the 1st instant, having sent the wounded and dead to Fort Lyon, the first to be cared for, and the latter to be buried upon our own soil. I resumed the pursuit in the direction of Camp Wynkoop on the Arkansas river, marching all night of the 3d and 4th instant, in hopes of overtaking a large encampment of Arapahoes and Cheyennes, under Little Raven, but the enemy had been apprized of my advance, and on the morning of the 5th instant, at 3 o'clock, precipitately broke camp and fled. My stock was exhausted. For one hundred miles the snow had been two feet deep, and for the previous fifteen days—excepting on November 29 and 30—the marches had been forced and incessant.

Under these circumstances, and the fact of the time of the 3d regiment being nearly out, I determined for the present to relinquish the pursuit.

Of the effect of the punishment sustained by the Indians you will be the judge. Their chiefs Black Kettle, White Antelope, One Eye, Knock Knee, and Little Robe, were numbered with the killed and their bands almost annihilated. I was shown the scalp of a white man, found in one of the lodges, which could not have been taken more than two or three days previous. For full particulars and reports of the several commanders I respectfully refer you to the following copies

herewith enclosed, of Colonel George L. Shoup, 3d regiment, December 6, 1864; Colonel Shoup, 3d regiment, December 7, 1864; Colonel L. L. Bowen, 3d regiment, November 30, 1864; Major Hal Sayr, 3d regiment, December 6, 1864; Captain Theodore G. Cree, 3d regiment, December 6, 1864; Major Scott J. Anthony, 1st regiment, December 1, 1864; Lieutenant Clark Dunn, 1st regiment, November 30, 1864; Lieutenant J. J. Kennedy, November 30, 1864.

If all the companies of the 1st cavalry of Colorado and the 11th Ohio volunteer cavalry, stationed at camps and posts near here, were ordered to report to me, I could organize a campaign, which, in my judgment, would effectually rid the country between the Platte and Arkansas rivers of these red rebels.

I would respectfully request to be informed, if another campaign should be authorized from here, whether I could employ one or two hundred friendly Utes, (Indians,) furnishing them subsistence, arms and ammunition for the campaign.

* * * * * * * * *

I am, general, very respectfully, your obedient servant,

J. M. CHIVINGTON,

Col. 1st Cavalry of Colorado, Commanding District of Colorado.

First report of Colonel Shoup.

HEADQUARTERS THIRD COLORADO CAVALRY,
In field, 100 *miles below Fort Lyon, December* 6, 1864.

CAPTAIN: In answer to your communication of this date, asking me to consult with the officers of my regiment, and report their opinion as to the propriety and willingness of themselves and the enlisted men under my command to continue this expedition against the Indians to the Smoky Hill and Republican, I have to say—

My "officers and men" will obey orders and go to the Smoky Hill and Republican, if the colonel commanding, after due deliberation, will so order. However, they are nearly all of the opinion, (the officers,) that an expedition to the above named streams at present must fail. This opinion is based upon the fact that their horses are worn out, and in an unserviceable condition; most of the animals would fail on the first forced march.

They are of the further opinion that many of these men will re-enlist to prosecute this campaign if we meet with no reverse and the men are not worn out and disheartened in a fruitless march just before the expiration of their term of enlistment.

All the above is fully indorsed by me; and while I am more than eager to duplicate the great victory of November 29, I think an expedition to the Smoky Hill and Republican, considering the worn-out condition of my horses, would prove more of a disaster than a success, at present; the failure of which would so dishearten my men, that no inducement could be held out that would cause them to re-enlist. All of which is most respectfully submitted.

GEORGE L. SHOUP,
Colonel 3d Colorado Cavalry.

Captain J. S. MAYNARD,
A. A. A. General, District of Colorado, in the field.

Second report of Colonel Shoup.

HEADQUARTERS DISTRICT OF COLORADO,
In the field, December 7, 1864.

DEAR SIR: I have the honor to report the part taken by my regiment, 3d Colorado cavalry, in the engagement with the Indians on Sand creek, forty (40) miles north of Fort Lyon, Colorado Territory, November 29, 1864.

I brought my regiment into action at sunrise. The first order given was to Captain John McCannon, company I, to cut off the Indians from their ponies on the south side of the village; this order was obeyed with great celerity and success. Captain McCannon captured about two hundred (200) ponies at the first dash, but being closely pressed by hundreds of Indians, sent the ponies to the rear, and opened a terrible and withering fire on the Indians, completely checking them, killing many, and causing them to retreat up Sand creek.

Captain O. H. P. Baxter, with his company G, was sent to re-enforce Captain McCannon. The two companies then fought the Indians up the south side of the creek for about two (2) miles, and at this point many of the Indians took refuge in the banks of the creek, where they had prepared rifle-pits. Captain McCannon, with his company, remained at that place until late in the afternoon, and was the last to leave the field of battle. His brave company killed twenty-six (26) Indians in one pit, and must have killed fifty (50) or more during the engagement. Company G, led by Captain Baxter and Lieutenant Templeton, pursued the demoralized and flying savages to the south and west, killing upwards of twenty Indians. Lieutenant W. E. Grinnell, with a detachment of 21 men of company K, fought during part of the engagement on the southwest side of the battle-field. This brave little detachment deserve honorable mention for their gallant conduct on the field. They lost one-fifth of their number, killed and wounded. At the opening of the engagement I led about four hundred (400) of my men up the north side of the creek and engaged the main body of the Indians, who were retreating to the west. I dismounted my men and fought them for some time on foot.

At this point Captain Talbott, of company M, fell severely wounded, while bravely leading his men in a charge on a body of Indians who had taken refuge on the banks on the north side of the creek. Here a terrible hand-to-hand encounter ensued between the Indians and Captain Talbott's men and others who had rushed forward to their aid—the Indians trying to secure the scalp of Captain Talbott. I think the hardest fighting of the day occurred at that point, some of our men fighting with club muskets; the 1st and 3d Coloradoans fighting side by side, each trying to excel in bravery, and each ambitious to kill at least one Indian. Many valuable lives of officers and men were saved by the bravery of others just as the fatal knife was raised to perform its work of death. Early in the engagement, Captain Nickols, with his company D, pursued a band of Indians that were trying to escape to the northeast; he overtook and punished them severely, killing twenty-five or thirty and captured some ponies.

Other companies of my regiment fought with zeal and bravery, but after 10 o'clock a. m. the battle became so general and covered so wide a field that it became necessary to divide my command into small detachments, sending them in all directions to pursue the flying Indians.

I am told by my officers and men that some of their comrades engaged the Indians in close combat. I am satisfied, from my own observation, that the historian will search in vain for braver deeds than were committed on that field of battle.

My loss is nine (9) men killed, one missing, supposed to be killed, and forty-four (44) wounded.

Captain Presley Talbott and Lieutenant C. H. Hawley are the only officers wounded of my regiment; Captain Talbott in left side, and Lieutenant Hawley in shoulder.

Enclosed herewith you will find copy of the reports of my battalion commanders to me. All of which is most respectfully submitted.

I am, sir, with great respect, your obedient servant,

GEORGE L. SHOUP,
Colonel 3d Colorado Cavalry.

Colonel J. M. CHIVINGTON, *Commanding District of Colorado.*

Report of Lieutenant Colonel Bowen.

SANDY CREEK, *November* 30, 1864.

SIR: I have the honor to enclose you the reports of the company commanders of the first battalion, commanded by myself, in the action of yesterday. I fully indorse all contained in these reports; all behaved well, each vieing with the other as to who could do the enemy the most injury. This, I think, can truly be said of the whole regiment. I was in position during the action to see most of the regiment, and did not see one coward. Permit me to congratulate you upon the signal punishment meted out to the savages on yesterday, "who so ruthlessly have murdered our women and children," in the language of the colonel commanding, although I regret the loss of so many brave men. The third regiment cannot any longer be called the "bloodless third."

From the most reliable information, from actual count and positions occupied, I have no doubt that at least one hundred and fifty Indians were killed by my battalion.

I cannot speak in terms of too high praise of all the officers and men under my command.

The war flag of this band of Cheyennes is in my possession, presented by Stephen Decatur, commissary sergeant of company C, who acted as my battalion adjutant.

Very respectfully,

LEAVITT L. BOWEN,
Lieut. Col. 3d Colorado Cavalry, Commanding 1st Battalion.

Colonel GEORGE L. SHOUP,
Third Regiment Colorado Cavalry.

Report of Major Sayr.

CAMP ———, *December* 6, 1864.

SIR: I have the honor to submit the following report of the part taken by my battalion in the action of November 29, on Sand creek. The battalion consisted of company B, Captain H. M. Orahood, First Lieutenant Charles H. Hawley, Second Lieutenant Harry Richmond, and sixty-four men; company I, Captain John McCannon, First Lieutenant Thomas J. Davis, and fifty-three men; company G, Captain O. H. P. Baxter, Second Lieutenant A. J. Templeton, and forty men; company K, Lieutenant W. E. Grinnell, and twenty-one men; making a total of 178 men. Company I was sent at the beginning of the action to the west of the field, where they remained during the day, much of the time sustaining a heavy fire from the enemy, who were secreted under a high bank, on the south side of Sand creek. This company did good service in preventing the escape of the Indians to the west. Companies B, G, and K, moved across the creek and went into the action on the north side of the creek and west of the Indian town, where they remained for several hours, doing good service, while under a heavy fire from the enemy, who were concealed in rifle-pits in the bed of the creek.

The action became general, and lasted from 6.30 a. m. until 1 p. m., when the companies divided into small squads and went in pursuit of the Indians, who were now flying in every direction across the plains, and were pursued until dark.

Both officers and men conducted themselves bravely. The number of Indians killed by the battalion, as estimated by company commanders, is about 175 to

200. Company B, Lieutenant Hawley, wounded in shoulder; private Marrion wounded in thigh; company I, three killed and three wounded; company G, none killed or wounded; company K, two killed and two wounded; making a total of five killed and seven wounded.

Hoping the above will meet your approval, I am, colonel, very respectfully, &c.,

HAL. SAYR,

Major Commanding 2d Battalion, 3d Colorado Cavalry.

Colonel GEORGE L. SHOUP,

Commanding Third Colorado Cavalry.

Report of Captain Cree.

CAMP SKEDADDLE, *December* 6, 1864.

SIR: I have the honor to report to you the part taken by the third battalion in the fight of the 29th of November. They first formed on the left of the regiment, in the rear of the village, then removed upon the right bank of the creek, near one-half mile; there dismounted and fought the red-skins about an hour, where the boys behaved like veterans.

After finding that we had done all the good that we could do there, removed companies D and E, (company F having gone with Colonel Bowen's battalion,) and moved to the right, across the hill, for the purpose of killing Indians that were making their escape to the right of the command, in which movement we succeeded in killing many. I then made a detail from company D, of fifteen (15) men, and sent them to capture some twenty (20) ponies, which I could see some four (4) miles to the right of the village; but before they reached the ponies some twenty Indians attacked them, when a fierce fight ensued, in which private McFarland was killed in a hand-to-hand engagement; but, like true soldiers, they stood their ground, killing five (5) Indians, and wounding several others.

The Indians finding it rather warm to be healthy, left. The boys pursued them some eight or ten miles, and finding that they could not overtake them, returned, bringing with them the ponies they were sent for. I then returned with the command to the village to take care of their killed and wounded companions.

Company E lost one killed and one wounded; company D, two killed and one wounded.

As for the bravery displayed by any one in particular, I have no distinctions to make. All I can say for officers and men is, that they all behaved well, and won for themselves a name that will be remembered for ages to come.

The number of Indians killed by my battalion is sixty (60.)

I am, colonel, yours truly,

T. G. CREE,

Captain Commanding 3d Battalion, 3d Colorado Cavalry.

Colonel GEORGE L. SHOUP.

Report of Major Anthony.

HEADQUARTERS, IN THE FIELD,
Battalion First Colorado Cavalry, December 1, 1864.

SIR: I have the honor to report that I left Fort Lyon, Colorado Territory, with detachments from companies D, G, and H, 1st Colorado cavalry, numbering one hundred and twenty-five men, and two howitzers, and joined Colonel Chivington's brigade one mile below Fort Lyon, at 8 o'clock p. m., November 28, and proceeded with his command, on Indian expedition, in a northeasterly direction, striking Sand creek at daylight of the 29th November, forty miles from

Fort Lyon, when we came upon a herd of Indian horses, and I was sent forward with my battalion to capture stock. After proceeding about one mile we came in sight of an Indian camp, some two miles further. I immediately sent word to the colonel commanding that an Indian camp was in sight, and proceeded with my command in the direction of the camp, which I reached just before sunrise. I found Lieutenant Wilson, with a detachment of 1st Colorado cavalry, upon the right and south of the camp, and Lieutenant Dunn, with a detachment of the 1st Colorado cavalry, posted upon the west bank of Sand creek, and opposite the camp, both commands keeping up a brisk fire upon the camp. Upon my nearing the camp upon the west side I was attacked by a small force of Indians posted behind the bank of the creek, who commenced firing upon me with arrows, and who had collected on the opposite side of camp. Colonel Chivington coming up at this time with Colonel Shoup's regiment, 3d Colorado cavalry, and two howitzers, charged through the camp, driving the Indians completely out of their camp and into the creek, in holes or rifle-pits dug in the sand. The fighting now became general. The Indians fought desperately, apparently resolved to die upon that ground, but to injure us as much as possible before being killed. We fought them for about six hours, along the creek for five miles.

The loss to my command was one killed and three wounded. The loss to the entire command, ten killed and forty wounded. Lieutenant Baldwin, commanding the section of howitzers, attached to my battalion, had a fine private horse shot from under him. Seven horses were killed from my command. The loss to the Indians was about three hundred killed, some six hundred ponies, and one hundred and thirty lodges, with a large quantity of buffalo robes, and their entire camp equipage.

The camp proved to be Cheyenne and Arapahoe Indians, and numbered about 1,100 persons, under the leadership of Black Kettle, head chief of the Cheyenne tribe. Black Kettle and three other chiefs were killed.

All the command fought well, and observed all orders given them. We camped upon the ground occupied by the Indians the day before, destroyed the entire camp of the Indians, and then pushed rapidly in a southeasterly direction, in pursuit of Little Raven's camp of Arapahoes, reported to be on the Arkansas river.

I am, sir, with much respect, your obedient servant,

SCOTT J. ANTHONY,

Major First Colorado Cavalry, Commanding Battalion.

A. A. A. General Colonel CHIVINGTON'S

Brigade, Indian Expedition.

Report of Lieutenant Kennedy.

HEADQUARTERS CO. C, FIRST COLORADO CAVALRY,

Camp, South Bend of Big Sandy, November 30, 1864.

COLONEL: I have the honor to make the following report of company C, 1st cavalry of Colorado, on the expedition against the Cheyenne Indians, in pursuance of special orders from headquarters, district of Colorado, No. 132, of November 13, 1864.

I left camp Wheeler, Colorado Territory, on the 20th of November, 1864, with forty-two men of company C, 1st cavalry of Colorado, en route for Fort Lyon, Colorado Territory, a distance of two hundred and forty miles, at which place I arrived on the 28th of November, 1864. I left Fort Lyon at eight (8) o'clock p. m the same day, with thirty-five (35) men of C company, under command of First Lieutenant Luther Wilson, commanding battalion 1st cavalry

of Colorado, made a march of forty miles to South Bend of Big Sandy, Colorado Territory, at which place I arrived a little after daybreak on the morning of the 29th, where we came upon a large village of hostile Cheyenne Indians, numbering from nine hundred to one thousand, which we immediately attacked; after which a general engagement ensued, which lasted until 3 o'clock p. m., in which the Indians were defeated and nearly annihilated; after which we returned to the Indian village, which we helped to destroy, and then went into camp.

I had one private, Oliver Pierson, mortally wounded, (who has since died;) two privates, August Mettze and John B. Calhoun, severely wounded; Sergeant M. H. Linnell, saddler Elias South, and privates C. J. Ballou and William Boyls, slightly wounded. And I would most respectfully acknowledge to the colonel commanding the services rendered by my platoon commanders, sergeant John C. Turner and M. H. Linnell, and recommend them for their bravery during the entire engagement.

I am, sir, very respectfully, your obedient servant,

J. J. KENNEDY,

Second Lieut. 1st Colorado Cavalry, Commanding Co. C.

Colonel J. M. CHIVINGTON,

Commanding Indian Expedition.

Report of Lieutenant Dunn.

HEADQUARTERS CO. E, FIRST COLORADO CAVALRY,

Camp South Bend of Big Sandy, C. T., November 30, 1864.

COLONEL: I have the honor to make the following report of company E, 1st cavalry of Colorado, on an expedition against Indians.

On the 25th instant I left Camp Fillmore with my company, pursuant to Special Order No. 3, headquarters, District of Colorado, dated in the field November 23, 1864. I joined the column then in the field the same evening at Spring Bottom, thirty miles distant. I continued the march the next day under command of Lieutenant Wilson, commanding battalion of the 1st cavalry of Colorado. We reached Fort Lyon, seventy miles further down the Arkansas, on the 28th instant, about noon. About 7 o'clock the same evening I started from that place with eighteen men of my company, taking three days' cooked rations on our horses, and travelled in a northeasterly course. At daylight we came in sight of a large village of hostile Indians, Cheyennes and Arapahoes, numbering nine hundred or one thousand, nearly two miles north of us. We immediately proceeded to the attack by moving down a small ravine and making a charge on the village from the north side, taking the Indians completely by surprise. They rallied immediately and the engagement became general, and lasted till afternoon, when they were utterly routed and half their number left dead on the field.

We continued the pursuit till 3 o'clock p. m., when our horses being much fatigued, and our ammunition nearly exhausted, we returned to the village, which we helped to destroy, and then went into camp for the night.

I lost no men killed, and but two wounded. Sergeant Jackson had his hip broken, and private Mull was shot through the leg.

I am, sir, very respectfully, your obedient servant,

CLARK DUNN,

Second Lieut. 1st Colorado Cavalry, Commanding Co. E.

Colonel CHIVINGTON,

First Colorado Cavalry.

Editorial articles from the Rocky Mountain News, the organ of Governor Evans, and edited by Mr. William N. Byers, P. M. at Denver.

THE BATTLE OF SAND CREEK.

Among the brilliant feats of arms in Indian warfare, the recent campaign of our Colorado volunteers will stand in history with few rivals, and none to exceed it in final results. We are not prepared to write its history, which can only be done by some one who accompanied the expedition, but we have gathered from those who participated in it, and from others who were in that part of the country, some facts which will doubtless interest many of our readers.

The people of Colorado are well aware of the situation occupied by the third regiment during the great snow-storm which set in the last of October. Their rendezvous was in Bijou Basin, about eighty miles southeast of this city, and close up under the foot of the Divide. That point had been selected as the base for an Indian campaign. Many of the companies reached it after the storm set in; marching for days through the driving, blinding clouds of snow and deep drifts. Once there, they were exposed for weeks to an Arctic climate, surrounded by a treeless plain covered three feet deep with snow. Their animals suffered for food and with cold, and the men fared but little better. They were insufficiently supplied with tents and blankets, and their sufferings were intense. At the end of a month the snow had settled to the depth of two feet, and the command set out upon its long contemplated march. The rear guard left the Basin on the 23d of November. Their course was southeast, crossing the Divide and thence heading for Fort Lyon. For one hundred miles the snow was quite two feet in depth, and for the next hundred it ranged from six to twelve inches. Beyond that the ground was almost bare and the snow no longer impeded their march.

On the afternoon of the 28th the entire command reached Fort Lyon, a distance of *two hundred and sixty miles, in less than six days*, and so quietly and expeditiously had the march been made that the command at the fort was taken entirely by surprise. When the vanguard appeared in sight it was reported that a body of Indians were approaching, and precautions were taken for their reception. No one upon the route was permitted to go in advance of the column, and persons who it was suspected would spread the news of the advance were kept under surveillance until all danger from that source was past.

At Fort Lyon the force was strengthened by about two hundred and fifty men of the first regiment, and at nine o'clock in the evening the command set out for the Indian village. The course was due north, and their guide was the Polar star. As daylight dawned they came in sight of the Indian camp, after a forced midnight march of forty-two miles, in eight hours, across the rough, unbroken plain. But little time was required for preparation. The forces had been divided and arranged for battle on the march, and just as the sun rose they dashed upon the enemy with yells that would put a Comanche army to blush. Although utterly surprised, the savages were not unprepared, and for a time their defence told terribly against our ranks. Their main force rallied and formed in line of battle on the bluffs beyond the creek, where they were protected by rudely constructed rifle-pits, from which they maintained a steady fire until the shells from company C's (third regiment) howitzers began dropping among them, when they scattered and fought each for himself in genuine Indian fashion. As the battle progressed the field of carnage widened until it extended over not less than twelve miles of territory. The Indians who could, escaped or secreted themselves, and by three o'clock in the afternoon the carnage had ceased. It was estimated that between three and four hundred of the savages got away with their lives. Of the balance there were neither wounded

nor prisoners. Their strength at the beginning of the action was estimated at nine hundred.

Their village consisted of one hundred and thirty Cheyenne and eight Arapahoe lodges. These, with their contents, were totally destroyed. Among their effects were large supplies of flour, sugar, coffee, tea, &c. Women's and children's clothing were found; also books and many other articles which must have been taken from captured trains or houses. One white man's scalp was found which had evidently been taken but a few days before. The chiefs fought with unparalleled bravery, falling in front of their men. One of them charged alone against a force of two or three hundred, and fell pierced with balls far in advance of his braves.

Our attack was made by five battalions. The first regiment, Colonel Chivington, part of companies C, D, E, G, H and K, numbering altogether about two hundred and fifty men, was divided into two battalions; the first under command of Major Anthony, and the second under Lieutenant Wilson, until the latter was disabled, when the command devolved upon Lieutenant Dunn. The three battalions of the third, Colonel Shoup, were led, respectively, by Lieutenant Colonel Bowen, Major Sayr, and Captain Cree. The action was begun by the battalion of Lieutenant Wilson, who occupied the right, and by a quick and bold movement cut off the enemy from their herd of stock. From this circumstance we gained our great advantage. A few Indians secured horses, but the great majority of them had to fight or fly on foot. Major Anthony was on the left, and the third in the centre.

Among the killed were *all* the Cheyenne chiefs, Black Kettle, White Antelope, Little Robe, Left Hand, Knock Knee, One Eye, and another, name unknown. Not a single prominent man of the tribe remains, and the tribe itself is almost annihilated. The Arapahoes probably suffered but little. It has been reported that the chief Left Hand, of that tribe, was killed, but Colonel Chivington is of the opinion that he was not. Among the stock captured were a number of government horses and mules, including the twenty or thirty stolen from the command of Lieutenant Chase at Jimmy's camp last summer.

The Indian camp was well supplied with defensive works. For half a mile along the creek there was an almost continuous chain of rifle-pits, and another similar line of works crowned the adjacent bluff. Pits had been dug at all the salient points for miles. After the battle twenty-three dead Indians were taken from one of these pits and twenty-seven from another.

Whether viewed as a march or as a battle, the exploit has few, if any, parallels. A march of 260 miles in but a fraction more than five days, with deep snow, scanty forage, and no road, is a remarkable feat, whilst the utter surprise of a large Indian village is unprecedented. In no single battle in North America, we believe, have so many Indians been slain.

It is said that a short time before the command reached the scene of battle an old squaw partially alarmed the village by reporting that a great heard of buffalo were coming. She heard the rumbling of the artillery and tramp of the moving squadrons, but her people doubted. In a little time the doubt was dispelled, but not by buffaloes.

A thousand incidents of individual daring and the passing events of the day might be told, but space forbids. We leave the task for eye-witnesses to chronicle. All acquitted themselves well, and Colorado soldiers have again covered themselves with glory.

THE FORT LYON AFFAIR.

The issue of yesterday's News, containing the following despatch, created considerable of a sensation in this city, particularly among the Thirdsters and others who participated in the recent campaign and the battle on Sand creek:

"WASHINGTON, *December* 20, 1864.

"The affair at Fort Lyon, Colorado, in which Colonel Chivington destroyed a large Indian village, and all its inhabitants, is to be made the subject of congressional investigation. Letters received from high officials in Colorado say that the Indians were killed after surrendering, and that a large proportion of them were women and children."

Indignation was loudly and unequivocally expressed, and some less considerate of the boys were very persistent in their inquiries as to who those "high officials" were, with a mild intimation that they had half a mind to "go for them." This talk about "friendly Indians" and a "surrendered" village will do to "tell to marines," but to us out here it is all bosh.

The *confessed* murderers of the Hungate family—a man and wife and their two little babes, whose scalped and mutilated remains were seen by all our citizens—were "friendly Indians," we suppose, in the eyes of these "high officials." *They* fell in the Sand creek battle.

The confessed participants in a score of other murders of peaceful settlers and inoffensive travellers upon our borders and along our roads in the past six months must have been *friendly*, or else the "high officials" wouldn't say so.

The band of marauders in whose possession were found scores of horses and mules stolen from government and from individuals; wagon loads of flour, coffee, sugar and tea, and rolls of broad cloth, calico, books, &c, robbed from freighters and emigrants on the plains; underclothes of white women and children, stripped from their murdered victims, were probably peaceably disposed toward *some* of those "high officials," but the mass of our people "can't see it."

Probably those scalps of white men, women and children, *one of them fresh, not three days taken*, found drying in their lodges, were taken in a *friendly*, playful manner; or possibly those Indian saddle-blankets trimmed with the scalps of white women, and with braids and fringes of their hair, were kept simply as mementoes of their owners' high affection for the pale face. At any rate, these delicate and tasteful ornaments could not have been taken from the heads of the wives, sisters or daughters of these "high officials."

That "surrendering" must have been the happy thought of an exceedingly vivid imagination, for we can hear of nothing of the kind from any of those who were engaged in the battle. On the contrary, the savages fought like devils to the end, and one of our pickets was killed and scalped by them the next day after the battle, and a number of others were fired upon. In one instance a party of the vidette pickets were compelled to beat a hasty retreat to save their lives, full twenty-four hours after the battle closed. This does not look much like the Indians had surrendered.

But we are not sure that an investigation may not be a good thing. It should go back of the "affair at Fort Lyon," as they are pleased to term it down east, however, and let the world know who were making money by keeping those Indians under the sheltering protection of Fort Lyon; learn who was interested in systematically representing that the Indians were friendly and wanted peace. It is unquestioned and undenied that the site of the Sand creek battle was the rendezvous of the thieving and marauding bands of savages who roamed over this country last summer and fall, and it is shrewdly suspected that somebody was all the time making a very good thing out of it. By all means let there be an investigation, but we advise the honorable congressional committee, who may be appointed to conduct it, to get their scalps insured before they pass Plum creek on their way out.

Extract from the message of Hon. S. H. Elbert, acting governor of Colorado Territory.

INDIAN WAR.

The before unbroken peace of our Territory has been disturbed, since the last spring, by an Indian war. Allied and hostile tribes have attacked our frontier settlements, driven in our settlers, destroyed their homes, attacked, burned, and plundered our freight and emigrant trains, and thus suspended agricultural pursuits in portions of our country, and interrupted our trade and commerce with the States. This has for the time seriously retarded the prosperity of our Territory.

At the commencement of the war the general government, taxed to the utmost in subduing the rebellion, was unable to help us, and it became necessary to look to our own citizens for protection. They everywhere responded with patriotism and alacrity. Militia companies were organized in the frontier counties, and secured local protection. Much credit is due to Captain Tyler's company of militia for the important service they rendered in opening and protecting our line of communication with the States.

In response to the call of the governor for a regiment of cavalry for hundred-day service, over a thousand of our citizens—the large majority of them leaving lucrative employment—rapidly volunteered, and in that short time, despite the greatest difficulties in securing proper equipments, organized, armed, made a long and severe campaign amid the snows and storms of winter, and visited upon these merciless murderers of the plains a chastisement smiting and *deserved*. The gratitude of the country is due to the men who thus sacrificed so largely their personal interests for the public good, and rendered such important service to the Territory; and their work, if it can be followed up with a vigorous winter campaign, would result in a permanent peace.

The necessity of such a campaign, and the imperative demand for immediate and complete protection for our line of communication with the States, has been, and is now being, earnestly urged on the government at Washington, and with a prospect of success. These efforts should be seconded by your honorable body with whatever influence there may be in resolution or memorial, setting forth the facts and necessities of our situation.

PAPERS FROM THE WAR DEPARTMENT.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE.
Washington, March 28, 1865.

SIR: In reply to your letter of the 15th instant, addressed to the Secretary of War, I have the honor to transmit herewith copies of the orders and reports called for in relation to Indian affairs in the department of Kansas, when commanded by Major General Curtis.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant General.

Hon. D. W. GOOCH,
Acting Chairman Committee on Conduct of the War.

COLORADO SUPERINTENDENCY,
Denver, C. T., June 16, 1864.

SIR: You will immediately make necessary arrangements for the feeding and support of all the friendly Indians of the Cheyenne and Arapahoe Indians at Fort Lyon, and direct the friendly Comanches and Kiowas, if any, to remain at Fort Larned. You will make a requisition on the military commander of the post for subsistence for the friendly Indians of his neighborhood.

If no agent there to attend to this, deputize some one to do it. These friendly bands must be collected at places of rendezvous, and all intercourse between them and tribes or individuals engaged in warfare with us prohibited; this arrangement will tend to withdraw from the conflict all who are not thoroughly identified with the hostile movement, and, by affording a safe refuge, will gradually collect those who may become tired of war and desire peace.

The war is opened in earnest, and upon your efforts to keep quiet the friendly, as nucleus for peace, will depend its duration to some extent at least. You can send word to all these to come as directed above, but do not allow the families of those at war to be introduced into the camp. I have established a camp for our northern friendly bands on Cache-la-Poudre, and as soon as my plan is approved by the military I will issue a proclamation to the Indians; please spare no effort to carry out this instruction, and keep me advised by every mail of the situation.

Very respectfully, your obedient servant,

JOHN EVANS,
Governor and Ex-Officio Superintendent Indian Affairs.

Major S. G. COLBY, *Fort Lyon, Colorado Territory.*

A true copy:

W. W. DENISON,
Second Lieutenant 1st Colorado Veteran Cavalry, and Acting Regimental Adjutant.

U. S. MILITARY TELEGRAPH.

[By Telegraph from ————————, 186—.]

To ———— ————.

George Evans to Major Colby, at Fort Lyon, instructing him to make arrangements for feeding friendly Indians near Fort Lyon. General instructions about collecting together all friendly Indians at places of rendezvous, as a measure to stop the war with the red skins. Thinks by affording refuge of this kind that those at war now may become tired, and collect at those places, and sue for peace, &c.

ADJUTANT GENERAL'S OFFICE, *March* —, 1865.

Official:

————— ————,
Assistant Adjutant General.

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,
Denver, June 29, 1864.

DEAR SIR: I enclose a circular to the Indians of the plains. You will, by every means you can, get the contents to all these Indians, as many that are now hostile may come to the friendly camp, and when they all do, the war will

be ended. Use the utmost economy in providing for those who come in, as the Secretary of the Interior confines me to the amount of our appropriations, and they may be exhausted before the summer is out.

You will arrange to carry out the plan of the circular at Lyon and Larned.

You will use your utmost vigilance to ascertain how many of your Indians are hostile, where they are, and what plans they propose, and report to me by every mail at least. For this purpose you will enlist the active aid of Mr. John Smith and his son, and of such other parties as you may judge can be of essential service. Mr. C. A. Cook reports to me that Mr. Bent has given you important information in regard to the plans and strength of the hostile combinations on the plains.

Please be careful and report to me in detail all the reliable information you can get promptly, as above directed.

I have the honor to be, respectfully, your obedient servant,

JNO. EVANS,
Governor Colorado Territory and Superintendent Indian Affairs.

Major S. G. COLBY,
U. S. Indian Agent, Fort Lyon, Colorado Territory.

A true copy:

W. W. DENISON,
Second Lieutenant, 1st Colorado Veteran Cavalry,
Acting Regimental Adjutant.

COLORADO SUPERINTENDENCY, INDIAN AFFAIRS,
Denver, June 27, 1864.

To the friendly Indians of the plains:

Agents, interpreters, and traders will inform the friendly Indians of the plains that some members of their tribes have gone to war with the white people; they steal stock and run it off, hoping to escape detection and punishment.

In some instances they have attacked and killed soldiers and murdered peaceable citizens. For this the Great Father is angry, and will certainly hunt them out and punish them; but he does not want to injure those who remain friendly to the whites. He desires to protect and take care of them. For this purpose I direct that all friendly Indians keep away from those who are at war, and go to places of safety.

Friendly Arapahoes and Cheyennes belonging on the Arkansas river will go to Major Colby, United States Indian agent, at Fort Lyon, who will give them provisions, and show them a place of safety. Friendly Kiowas and Comanches will go to Fort Larned, where they will be cared for in the same way.

Friendly Sioux will go to their agent at Fort Laramie for directions. Friendly Arapahoes and Cheyennes of the Upper Platte will go to Camp Collins, on the Cache-la-Poudre, where they will be assigned a place of safety, and provisions will be given them.

The object of this is to prevent friendly Indians from being killed through mistake; none but those who intend to be friendly with the whites must come to these places. The families of those who have gone to war with the whites must be kept away from among the friendly Indians.

The war on hostile Indians will be continued until they are all effectually subdued.

JOHN EVANS,
Governor of Colorado and Superintendent of Indian Affairs.

A true copy:

W. W. DENISON,
Second Lieutenant 1st Colorado Veteran Cavalry,
Acting Regimental Adjutant.

ADJUTANT GENERAL'S OFFICE, *March* —, 1865.

Official:

_____, _____,
Assistant Adjutant General.

FORT RILEY, *July* 23, 1864.

Major General H. W. HALLECK:

The Indian difficulties west of this point are serious, and I have come here to rally a force on the borders to repress the mischief. The stages not coming through, we have not definite intelligence. We only know that they have run off our stock from Larned and Walnut creek, murdering some men. Small parties of Indians have come within thirty miles of this place. I have ordered the quartermaster to buy horses to mount dismounted cavalry, and requested militia colonels to call out seven hundred militia to join me. In this way I hope to raise a thousand men. I go on to Saline to-morrow. I think stealing is the main object of the Indians.

S. R. CURTIS, *Major General.*

HEADQUARTERS OF THE ARMY, *March* 18, 1865.

Official:

D. C. WAGER, *A. A. G.*

SALINE, KANSAS, *July* 26, 1864, *via Leavenworth.*

General H. W. HALLECK:

The stage has just arrived from Laramie. The damage done by Indians amounts to ten teamsters killed, five wounded, two of them scalped, and the stealing of about three hundred cattle. Our posts are safe.

S. R. CURTIS, *Major General.*

HEADQUARTERS OF THE ARMY, *March* 18, 1865.

Official:

D. C. WAGER, *A. A. G.*

FORT LEAVENWORTH, *August* 8, 1864.

Major General HALLECK, *Chief of Staff:*

I have returned from Upper Arkansas. At Larned divided my force in all directions, going myself with those scouting southward towards Red river. Could not overtake Indians, but scared them away from Santa Fé route, where

stages and trains move regularly. Have made district of Upper Arkansas, assigning General Blunt to command. Have increased and improved the organization of troops, giving stringent orders against allowing Indians inside of our line. Discharged militia, and directed continual caution. The Kiowas, Comanches and Big Mouth Arapahoes are evidently determined to do all the mischief they can. I hope no favor will be offered them by authorities at Washington till they make ample remuneration for their outrages.

S. R. CURTIS,
Major General.

HEADQUARTERS ARMY, *March* 18, 1865.

Official:

D. C. WAGER, *A. A. G.*

FORT LEAVENWORTH, *August* 10, 1864.

Major General HALLECK, *Chief of Staff:*

Indians have attacked and killed inhabitants on Little Blue, this side Fort Kearney, on overland stage route. Stage just arrived at Atchison without passengers. I have requested governor to send militia after them, and telegraphed commander of Kearney to come down on them if he has force, but forces are scarce in that region. Cannot some of General Sully's command move to Nebraska?

S. R. CURTIS,
Major General.

HEADQUARTERS ARMY, *March* 18, 1865.

Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., August 13, 1864.

Major General CURTIS, *Fort Leavenworth:*

The contractor of the overland mail line has represented through the Post Office Department that more protection against Indians is required along the line, and that two armed men should accompany each coach. He also asks that orders be given to the military not to use the grain, forage, and stores of the line.

Please see that these requests are carried out as far as you are able.

H. W. HALLECK,
Major General and Chief of Staff.

HEADQUARTERS OF THE ARMY, *March* 18, 1865.

Official:

D. C. WAGER, *A. A. G.*

FORT LEAVENWORTH, *August* 13, 1864.

General HALLECK :

Your despatch just received, and telegraphed to General Curtis, at Omaha. The following has just been received from General Mitchell, commanding district of Nebraska, to General Curtis, Fort Leavenworth :

"Just heard from a company of militia sent up the Little Blue from Kearney. They scoured the country for forty miles up and down the stream; found no Indians. I have parties out in every direction from each post chasing Indians. Everything will be done that I can do with my present force. I am raising militia as fast as I can ; the governor has authorized the raising of twelve companies. I have received to-day —— toward one company in this vicinity, of staunch men.

"B. B. MITCHELL, *Brigadier General.*"

C. S. CHARLOTTE,
Major, A. A. G., Department of Kansas.

HEADQUARTERS ARMY, *March* 18, 1865.

Official :

D. C. WAGER, *A. A. G.*

OMAHA, *August* 16, 1864.

Major General H. W. HALLECK, *Chief of Staff:*

Yours of the 13th, concerning the furnishing of escorts for overland mail line to defend it against Indians, will be complied with. I am here to look after Indian troubles that are quite extensive on the line and against the border settlements. I have troops arriving on the Blue, where the mischief was greatest. General Mitchell telegraphs from Fort Kearney that he thinks that region is threatened by a large force of Indians collecting on the Republican. I am sending out militia in small parties to join forces which I have gathered below, and will soon be upon them, be they many or few.

S. R. CURTIS, *Major General.*

HEADQUARTERS ARMY, *March* 18, 1865.

Official:

D. C. WAGER, *A. A. G.*

OMAHA, *August* 18, 1864.

Major General H. W. HALLECK:

General Mitchell telegraphs from Fort Kearney that Captain Mussey encountered five hundred well-armed Indians on Elk creek, near Republican; had a fight; killed ten Indians, and lost two soldiers; drove Indians ten miles, but had to fall back, pursued by Indians, thirty miles.

S. R. CURTIS, *Major General.*

HEADQUARTERS ARMY, *March* 18, 1865.

Official

D. C. WAGER, *A. A. G.*

DENVER, *August* 18, 1864.

Hon. EDWIN M. STANTON, *Secretary of War:*

Extensive Indian depredations, with murder of families, occurred yesterday thirty miles south of Denver. Our lines of communication are cut, and our crops, our sole dependence, are all in exposed localities, and cannot be gathered by our scattered population. Large bodies of Indians are undoubtedly near to Denver, and we are in danger of destruction both from attack of Indians and starvation. I earnestly request that Colonel Ford's regiment of 2d Colorado volunteers be immediately sent to our relief. It is impossible to exaggerate our danger. We are doing all we can for our defence.

JNO. EVANS, *Governor.*

HEADQUARTERS ARMY, *March* 18, 1865.

Official:

D. C. WAGER, *A. A. G.*

DENVER, *August* 22, 1864.

E. M. STANTON, *Secretary of War:*

No government saddles within seven hundred miles from here; no government horses to mount hundred-days regiment of cavalry, nearly full. Unlimited information of contemplated attack by a large body of Indians, in a few days, along the entire line of our settlements. Order Captain Mullin, quartermaster here, to purchase horses, and Lieutenant Hawley, district ordnance officer, to purchase horse equipments. Necessity imperative.

JNO. EVANS,
Governor of Colorado Territory.

This application should be granted at once.

J. M. CHIVINGTON,
Colonel Commanding.

HEADQUARTERS ARMY, *March* 18, 1865.

Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., August 23, 1864.

Governor JOHN EVANS, *Denver, Colorado Territory:*

The Secretary of War directs me to say that a recent law requires all cavalry horses to be purchased under directions of Colonel Ekin, of the quartermaster's department. If there is such a pressing necessity that purchases cannot be made in time, the military authorities can resort to impressment. General Curtis is the proper judge of such necessity in his department.

H. W. HALLECK,
Major General, Chief of Staff.

HEADQUARTERS ARMY, *March* 18, 1865.

Official:

D. C. WAGER, *A. A. G.*

DEPARTMENT OF KANSAS,
Fort Kearney, August 28, 1864.

Major General HALLECK, *Chief of Staff:*

Indians in small bands continue to commit depredations, but seem more cautious moving westward. Have effectually scoured the country east of 99th meridian. Indians going west of settlements. Overland mail agents have withdrawn stock and gone east. I think they can run through with such escorts as I can furnish. Militia very tardy in coming forward, many turning back before reaching this point.

Some fifty murders have been committed by Indians on this line, and considerable private stock stolen, but government has lost but little.

S. R. CURTIS, *Major General.*

HEADQUARTERS ARMY, *March* 18, 1865.

Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., September 3, 1864.

Major General CURTIS, *Fort Kearney:*

The civil officers of Montana have asked for military escort to that Territory. The Secretary of War authorizes you to give such escort, if, in your opinion, you can spare troops for that purpose; but, first of all, the overland mail route and the frontier posts require protection from the Indians.

The Secretary of War authorizes you to raise hundred-days men in Nebraska, without bounties.

H. W. HALLECK,
Major General, Chief of Staff.

HEADQUARTERS ARMY, *March* 18, 1865.

Official:

D. C. WAGER, *A. A. G.*

DENVER, *September* 7, 1864.

Hon. EDWIN M. STANTON, *Secretary of War:*

Pray give positive orders for our second Colorado cavalry to come out. Have notice published that they will come in detachments to escort trains up the Platte on certain days. Unless escorts are sent thus we will inevitably have a famine in addition to this gigantic Indian war. Flour is forty-five dollars a barrel, and the supply growing scarce, with none on the way. Through spies we got knowledge of the plan of about one thousand warriors in camp to strike our frontier settlements, in small bands, simultaneously in the night, for an extent of 300 miles. It was frustrated at the time, but we have to fear another such attempt soon. Pray give the order for our troops to come, as requested, at once, as it will be too late for trains to come this season.

JOHN EVANS, *Governor.*

HEADQUARTERS ARMY, *March* 18, 1865.

Official:

D. C. WAGER, *A. A. G.*

CAMP OF SOLOMON'S RIVER,
Via Lawrence, Kansas, September 16, 1864.

Major General HALLECK, *Chief of Staff:*

I struck this river near 100th parallel; sent scouts south to head of Saline, find ng no large body of Indians. Divided command; sent large portion up valley, to strike Ofallon's bluff; with remainder, two hundred and eighty-five, came down, scouring the country on all sides. Buffalo plenty. Indians only in small parties, escaping south. Shall reach settlements on Smoky Hill river to-morrow. No signs of great concentration of Indians. Bands of hunters steal and scalp, but can be routed by small armed force. Stage stations, ranches, and settlements must have enclosures for themselves and stock, and a few troops, carefully distributed, can protect settlements and lines of commerce.

S. R. CURTIS, *Major General.*

HEADQUARTERS ARMY, *March* 18, 1865.

Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS DEPARTMENT OF KANSAS,
Fort Leavenworth, September 19, 1864.

I am in receipt of a copy of letters from the honorable Secretary of the Interior and Commissioner of Indian Affairs, with your indorsement to take such action as I may "deem best." It is stated that I have ordered the Indians not to make their usual hunt. This is erroneous. I may have suggested that it would be dangerous for our friendly Indians to go, but I have desired the Pawnees to follow and operate when I had driven away the hostile bands. Yet I see great difficulty in discriminations, and also fear that some bands of our friendly Indians might mingle with foes if they come in proximity. If the friendly Indians could be united for the purpose of hunting and fighting with our troops, it would be easy to organize and so equip them as to avoid difficulty. In my recent reconnoissance I took about seventy-five Pawnees with me as scouts, and, to avoid mistakes, dressed them with a blowse and hats. It gave them a distinctive and graphic appearance, which could not be mistaken. Any other than an associate arrangement seems almost impossible.

I appreciate the importance of allowing or aiding the friendly Indians to hunt buffalo; but any general movement by them would lead to confusion and difficulty, not only with my troops, but with the border settlements; for the people, being terribly alarmed, would make very little difference in their resentment and raids.

I will do all I can to favor the friendly Indians in any rational arrangement to hunt the buffalo, and believe, with the honorable Secretary, that, properly associated with the troops, they would strengthen our efforts to suppress the hostile tribes.

I have the honor to be, general, your obedient servant,

S. R. CURTIS,
Major General.

Major General H. W. HALLECK, *Chief of Staff, Washington.*

HEADQUARTERS ARMY, *March* 18, 1865.

Official copy:

J. C. KELTON, *A. A. G.*

DENVER, *September* 19, 1864.

Hon. E. M. STANTON, *Secretary of War:*

Train with ordnance and ordnance stores en route to New Mexico, with mules, stolen by Indians at Fort Lyon, Colorado. We need such stores for 3d regiment Colorado volunteers, cavalry, one hundred day men, now full. Authorize me by telegraph to take them. Will not be used, if reach New Mexico, before next year. Indian warriors congregated eighty miles from Lyon, three thousand strong.

J. M. CHIVINGTON,
Colonel Commanding, District Colorado.

HEADQUARTERS ARMY, *March* 18, 1865.

Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., September 20, 1864.

Colonel CHIVINGTON, *Denver City:*

The chief of ordnance objects to the diversion of the train sent to New Mexico. You must make requisition for your wants in the usual way.

H. W. HALLECK,
Major General, Chief of Staff.

HEADQUARTERS ARMY, *March* 18, 1865.

Official:

D. C. WAGER, *A. A. G.*

DENVER CITY, *September* 22, 1864.

Major General HALLECK, *Chief of Staff:*

Have regiment 100 days men ready for field. Train on the way from Fort Leavenworth, but cannot get here in time because of the Indian troubles on the Platte route. Are four hundred miles back, and laid up. The time of this regiment will expire and Indians will still hold road. This is no ordinary case.

J. M. CHIVINGTON,
Colonel Commanding.

HEADQUARTERS ARMY, *March* 18, 1865.

Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., September 23, 1864.

Colonel CHIVINGTON, *Denver City:*

You will communicate your wants to your superior officer, General Curtis, at Fort Leavenworth.

H. W. HALLECK,
Major General, Chief of Staff.

HEADQUARTERS ARMY, *March* 18, 1865.

Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., September 24, 1864.

Major General CURTIS, *Fort Leavenworth:*

General Rosecrans has been directed to give you the regiment of Colorado cavalry at or near Kansas city. All your available forces, not required against western Indians, should be thrown south on the Fort Scott route. Large reenforcements have been sent to the Arkansas river to cut off the enemy's retreat.

H. W. HALLECK,
Major General, Chief of Staff.

HEADQUARTERS ARMY, *March* 18, 1865.

Official:

D. C. WAGER, *A. A. G.*

FORT LEAVENWORTH, *September* 26, 1864.

Major General HALLECK:

Despatch received. Had already begun moving troops and supporting my southeast. But a full regiment of hundred-days men and part of the 1st Colorado going out this week. My main dependence must be in militia. If Price's forces come westward the militia are notified to be ready.

S. R. CURTIS, *Major General.*

HEADQUARTERS ARMY, *March* 18, 1865.

Official:

D. C. WAGER, *A. A. G.*

FORT LEAVENWORTH, *October* 7, 1864.

Major General HALLECK, *Chief of Staff*:

General Blunt came upon a party of Arapahoes and other hostile Indians, supposed to be four thousand, with fifteen hundred warriors, on the twenty-fifth ultimo. This was about one hundred miles west of Larned, in Pawnee fork. The Indians overpowered the advance, but the main force coming up routed and pursued them. Ninety-one dead Indians were left, and we lost two killed and seven wounded. General Blunt's force was less than five hundred. He pursued for several days.

S. R. CURTIS, *Major General.*

HEADQUARTERS ARMY, *March* 18, 1865.

Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., October 16, 1864.

Brigadier General CONNER, *Salt Lake City:*

Give all the protection in your power to the overland route between you and

Fort Kearney, without regard to department lines. General Curtis's forces have been diverted by rebel raids from Arkansas.

H. W. HALLECK,
Major General, Chief of Staff.

HEADQUARTERS ARMY, *March* 18, 1865.

Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS, *Fort Lyon, C. T., November* 6, 1864.

SIR: I have the honor to report that I arrived at this post and assumed command November 2, in obedience to Special Orders No. 4, headquarters of district, October 17, 1864. Major E. W. Wynkoop, 1st cavalry of Colorado, was in command of the post. One hundred and thirteen lodges of Arapahoe Indians, under their chiefs Little Raven, Left Hand, Nervah, Storms, and Knock Knee, and numbering, in men, women and children, 652 persons, were encamped in a body about two miles from the post, and were daily visiting the post, and receiving supplies from the commissary department, the supplies being issued by Lieutenant C. M. Copett, assistant commissary of supplies, under orders from Major E. W. Wynkoop, commanding post.

I immediately gave instructions to arrest all Indians coming within the post, until I could learn something more about them. Went down and met their head chiefs, half way between the post and their camp, and demanded of them by what authority and for what purpose they were encamped here. They replied that they had always been on peaceable terms with the whites, had never desired any other than peace, and could not be induced to fight. That other tribes were at war, and, therefore, they had come into the vicinity of a post, in order to show that they desired peace, and to be where the travelling public would not be frightened by them, or the Indians be harmed by travellers or soldiers on the road.

I informed them that I could not permit any body of armed men to camp in the vicinity of the post, nor Indians visit the post, except as prisoners of war. They replied that they had but very few arms and but few horses, but were here to accept any terms that I proposed. I then told them that I should demand their arms and all the stock they had in their possession which had ever belonged to white men; they at once accepted these terms. I then proceeded with a company of cavalry to the vicinity of their camp, leaving my men secreted, and crossed to their camp, received their arms from them, and sent out men to look through their herd for United States or citizens' stock, and to take all stock except Indian ponies; found ten mules and four horses, which have been turned over to the acting assistant quartermaster. Their arms are in very poor condition, and but few, with little ammunition. Their horses far below the average grade of Indian horses. In fact, these that are here could make but a feeble fight if they desired war. I have permitted them to remain encamped near the post, unarmed, as prisoners, until your wishes can be heard in the matter; in the interval, if I can learn that any of their warriors have been engaged in any depredations that have been committed, shall arrest them, and place all such in close confinement.

I am of opinion that the warriors of the Arapahoes, who have been engaged in war, are all now on the Smoky Hill, or with the Sioux Indians, and have all the serviceable arms and horses belonging to the tribe, while these here are too poor to fight, even though they desired war.

Nine Cheyenne Indians to-day sent in, wishing to see me. They state that 600 of that tribe are now 35 miles north of here, coming towards the post, and 2,000 about 75 miles away, waiting for better weather to enable them to come in. I shall not permit them to come in, even as prisoners, for the reason that if I do, I shall have to subsist them upon a prisoner's rations. I shall, however, demand their arms, all stolen stock, and the perpetrators of all depredations. I am of the opinion that they will not accept this proposition, but that they will return to the Smoky Hill. They pretend that they want peace, and I think they do now, as they cannot fight during the winter, except where a small band of them can find an unprotected train or frontier settlement. I do not think it is policy to make peace with them now, until all perpetrators of depredations are surrendered up to be dealt with as we may propose.

The force effective for the field at the post is only about 100, and one company, (K, New Mexico volunteers,) sent here by order of General Carlton, commanding department of New Mexico, were sent with orders to remain sixty days, and then report back to Fort Union. Their sixty days will expire on the 10th of November (instant.) Shall I keep them here for a longer period, or permit them to return?

The Kiowas and Comanches, who have all the stock stolen upon the Arkansas route, are reported south of the Arkansas river and towards the Red river. The Cheyennes are between here and the Smoky Hill; part of the Arapahoes are near this post; the remainder north of the Platte. With the bands divided in this way, one thousand cavalry could now overtake them and punish some of them severely, I think, but with the force here it can only be made available to protect the fort. I shall not permit the Cheyennes to camp here, but will permit the Arapahoes now here to remain in their present camp as prisoners until your action is had in the matter.

I have the honor to be, very respectfully, your obedient servant,

SCOTT I. ANTHONY,
Major 1st Cavalry of Colorado, Commanding Post.

To ————————,
A. A. A. G. District of Upper Arkansas, Fort Riley, Kansas.

—

[Indorsed.]

HEADQUARTERS DISTRICT OF UPPER ARKANSAS,
Fort Riley, November 22, 1864.

Respectfully forwarded for the information of the general commanding, respectfully asking for instruction in regard to the Arapahoe Indians kept and fed as prisoners at Fort Lyon. Major Anthony has been instructed to carry out general field order No. 2, July 31, 1864, fully, until further instructions from department headquarters. I would also state that I have learned, unofficially, that on Saturday, the 12th instant, two white men were killed and five wagons destroyed near Fort Larned by a party of Indians numbering about thirty. Have written to commanding officer at Fort Larned in reference to it, and instructed him to report all cases of Indian depredations that may come to his knowledge.

B. I. HENNING,
Major 3d Wisconsin Cavalry, Commanding District.

FORT LEAVENWORTH, *December* 1, 1864.

Major General H. W. HALLECK, *Chief of Staff:*

I am informed by telegraph from Neosho crossing, about one hundred and twenty miles below Fort Scott, that the train carrying supplies to Fort Gibson is halted because of a large rebel force in front. This is beyond my department lines, and I am unable to do much, but have ordered a regiment of my troops under Colonel Moonlight to support the escort commanded by Major Phillips in going forward or back as circumstances seem to require. Indian troubles now demand all my force, and large numbers are crowding into Fort Lyon as prisoners of war, while others in small bands are attacking stages and trains. Under these circumstances, I cannot furnish escorts to carry provisions for Indians and troops beyond my department lines; and your attention is called to the necessity of furnishing General Steele with forces sufficient and in position to guard the lines to Fort Gibson and Fort Scott, or have the troops and Indians now there to fall back where they get provisions.

S. R. CURTIS, *Major General.*

HEADQUARTERS ARMY, *March* 18, 1865.

Official:

D. C. WAGER, *A. A. G.*

FORT LEAVENWORTH, *December* 8, 1864.

Major General H. W. HALLECK, *Chief of Staff:*

Colonel Chivington, after a march of three hundred miles in ten days, on the 29th returned. He came upon a Cheyenne camp of one hundred and thirty lodges at the south bend of Big Sandy, Cheyenne county, Colorado. He attacked at daylight, killing over four hundred Indians and capturing the same number of ponies. Among the killed are chiefs Black Kettle, White Antelope, and Little Robe. Our loss is nine killed and thirty-eight wounded. Our troops encountered snow two feet deep.

S. R. CURTIS,
Major General, Commanding.

HEADQUARTERS ARMY, *March* 18, 1865.

Official:

D. C. WAGER, *A. A. G.*

HEADQUARTERS DEPARTMENT OF KANSAS,
Fort Leavenworth, December 30, 1864.

Several papers have been referred to me concerning irregularities charged on General Blunt and others before I came in this command, and entirely outside. Yet, as some of the parties are in my command, I may do something if I can get men disconnected with Kansas affairs and worthy of credence. There is so much political and personal strife in our service, it is almost impossible to get an honest, impartial determination of facts.

A shift of troops, so as to put officers and men out of their own home localities, would greatly improve my command, and I wish especially that some of my Kansas regiments may be sent to the front and troops of other States sent to me. I have ordered the 11th Kansas to Colorado, far enough from their homes, but the 15th and 16th Kansas might well be changed.

The 1st Colorado, the 3d Colorado, and many companies of other regiments, have to be mustered out under the provisions of Circular No. 36.

I am also informed that Fort Smith and Fayetteville, in the department of Arkansas, are being evacuated. Fort Gibson, in the same department, is garrisoned with dismounted Indian troops, so that my southern border is more exposed than formerly.

The Indians on the plains continue to act in bands of fifty or one hundred at various points, and I desire to make new efforts to crush them during the latter part of winter. Under these circumstances, I feel it my duty to urge the sending of more troops of other States to aid in keeping open the overland lines, escort trains, put down the Indians, and strengthen the defences which overlook the enemy's approaches from Texas.

I have the honor to be, general, your obedient servant,

S. R. CURTIS, *Major General.*

Major General H. W. HALLECK,
Chief of Staff, Washington, D. C.

HEADQUARTERS ARMY, *March* 18, 1865.

Official copy:

J. C. KELTON, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., January 3, 1865.

GENERAL: Your communications proposing a winter's campaign against the Indians, and asking for more troops, were sent to General Grant immediately on their receipt. If he has acted on the matter, his orders have gone directly to you, as nothing on the subject has been received here.

I write this to inform you that the matter was duly attended to by me.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major General, Chief of Staff.

Major General CURTIS,
Fort Leavenworth, Kansas.

HEADQUARTERS ARMY, *March* 18, 1865.

Official copy:

J. C. KELTON, *A. A. G.*

[Dated Denver, January 8, 1865.—Received January 9, 3 p. m.]

J. B. CHAFFEE, 45 *William:*

Urge the government to send troops on Platte route. Indians burning trains and slaying emigrants.

GEO. E. CLARK,
CHAS. A. COOK.

HEADQUARTERS ARMY, *March* 18, 1865.

Official copy:

J. C. KELTON, *A. A. G.*

NEW YORK, *January* 10, 1865.

DEAR JUDGE: I received the enclosed despatch this a. m. You cannot be too urgent with the Secretary of War, or the President, about our Indian troubles. Unless something is done to settle this trouble, we are virtually killed as a Territory. You can hardly realize, without seeing it, the large amount of machinery en route for our Territory to work the mines with. Everything in the

way of supplies is exorbitantly high, all on account of the hazard of transportation. Emigration is limited on account of the danger of travel. It is peculiarly disastrous to us now because so many eastern capitalists have been and are investing in our mines, and are preparing to open and develop them.

I am inclined to the opinion that our administration, both civil and military, have failed to comprehend the situation. I mean Evans and Chivington. I think this whole difficulty could have been arrested; but this is nothing to the case now. This must be attended to immediately, or our prospects are blasted for some time to come, and the development of a rich mining country indefinitely postponed. For God's sake, urge some action. I can't come over just now, or I would give you my views regarding what action ought to be taken; but anything, so that some steps are taken to protect the line of travel.

There is no use to depend on General Curtis, Evans, Chivington, or any other politician.

Yours of the 9th received this morning.

Truly, &c.,

J. B. CHAFFEE.

HEADQUARTERS ARMY, *March* 18, 1865.

Official copy:

J. C. KELTON, *A. A. G.*

HEADQUARTERS OF THE ARMY,
Washington, D. C., January 11, 1865.

Major General CURTIS, *Fort Leavenworth:*

Statements from respectable sources have been received here that the conduct of Colonel Chivington's command towards the friendly Indians has been a series of outrages calculated to make them all hostile. You will inquire into and report on this matter, and will take measures to have preserved and accounted for all plunder taken from the Indians at Fort Lyons and other places.

H. W. HALLECK,
Major General, Chief of Staff.

HEADQUARTERS ARMY, *March* 18, 1865.

Official:

D. C. WAGER, *A. A. G.*

WAR DEPARTMENT, *January* 11, 1865.

Judge Bennet, delegate from Colorado Territory, presents a letter and telegram from J. B. Chaffee relative to the Indian depredations on the mail route to Colorado, and the general unsettled condition of the country, owing to the active hostility of the Indians, incited mainly by the recent attack of Colonel Chivington at Fort Lyons. The attention of the government is called to the immediate necessity of sending additional troops to that region to protect the route.

Respectfully referred to General Halleck.

By order of the Secretary of War.

JAS. A. HARDIE,
Colonel and Inspector General.

HEADQUARTERS ARMY, *March* 18, 1865.

Official copy:

J. C. KELTON, *A. A. G.*

HEADQUARTERS DEPARTMENT OF KANSAS,
Fort Leavenworth, January 12, 1865.

GENERAL: Your despatch of yesterday, directing me to investigate Colonel Chivington's conduct towards the Indians, is received, and will be obeyed. Colonel Chivington has been relieved by Colonel Moonlight, and is probably out of the service, under provisions of Circular No. 36, War Department.

Although the colonel may have transgressed my field orders concerning Indian warfare, (a copy of which is here enclosed,) and otherwise acted very much against my views of propriety in his assault at Sand creek, still it is not true, as Indian agents and Indian traders are representing, that such extra severity is increasing Indian war. On the contrary, it tends to reduce their numbers, and bring them to terms. Their bands are more united, perhaps, at this time than during the summer, but this results from their necessities and surroundings. They are in a destitute condition, and must, at this season of the year, resort to desperate measures to procure horses and provisions; hence we see a continual effort to overpower our little posts, or our trains and stages. Their lodges are now between the Arkansas and Platte, and they shift their assaults so as to attack to the best advantage. I am collecting and arranging troops near Fort Riley, but need more force to make another effort to destroy them. I will be glad to save the few honest and kindly disposed, and protest against the slaughter of women and children; although, since General Harney's attack of the Sioux many years ago at Ash Hollow, the popular cry of settlers and soldiers on the frontier favors an indiscriminate slaughter, which is very difficult to restrain. I abhor this style, but so it goes from Minnesota to Texas. I fear that Colonel Chivington's assault at Sand creek was upon Indians who had received some encouragement to camp in that vicinity under some erroneous supposition of the commanding officer at Lyon that he could make a sort of "city of refuge" at such a point. However wrong that may have been, it should have been respected, and any violation of known arrangements of that sort should be severely rebuked. But there is no doubt a portion of the tribe assembled were occupied in making assaults on our stages and trains, and the tribes well know that we have to hold the whole community responsible for acts they could restrain, if they would properly exert their efforts in that way. It is almost impossible to properly try officers in my command, if they have a high rank, my troops all being widely scattered and much employed.

I have the honor to be your obedient servant,

S. R. CURTIS, *Major General.*

HEADQUARTERS OF THE ARMY,
Washington, March 18, 1865.

Official copy:

———— ————, *A. A. G.*

GENERAL FIELD ORDERS No. 1.

[Extract.]

HEADQUARTERS DEPARTMENT OF KANSAS,
In the Field, Fort Ellsworth, July 27, 1864.

* * * * * * *

II. Hunters will be detailed for killing game, but the troops must not scatter and break down stock to chase buffalo. Indians at war with us will be the object of our pursuit and distinction, but women and children must be spared. All horses, ponies, and property taken will be placed in charge of Quartermas-

ter P. C. Taylor, who will have it properly collected, or sent back to safe place for future disposition; this is necessary to prevent the accumulation of useless baggage.

* * * * * * *

By order of Major General Curtis.

JOHN WILLIAMS,
Assistant Adjutant General.

Official copy: JOHN WILLIAMS, *A. G. A.*

HEADQUARTERS OF THE ARMY,
Washington, March 18, 1865.

Official copy: ———— ————, *A. A. G.*

GENERAL FIELD ORDERS No. 2.

HEADQUARTERS DEPARTMENT OF KANSAS,
In the Field, Fort Larned, July 31, 1864.

I. At all military posts or stations west of the Kansas and Nebraska settlements in this department, stockades or abatis enclosures must be made for the troops and stock, and animals must be kept in such enclosures at night, and never herded during the day without distant and careful pickets, who can give warning of approaching enemies in time to preserve the stock from surprise.

II. Indians and their allies or associates will not be allowed within the forts except blindfolded, and then they must be kept totally ignorant of the character and number of our forces. Neglect of this concealment will be followed by the most severe and summary punishment.

Commanders of forts and stations will furnish escorts according to their best judgments, keeping in view the safety of their own posts, the stage or public property to be guarded, and the preservation of the horses.

These precautions must not be relaxed without permission of the commander of the department, and all officers, of whatever grade, will report promptly to the nearest and most available assistance, and to district and department headquarters, any patent neglect of this order, or any palpable danger to a command.

The industry and skill displayed by Lieutenant Ellsworth, and the troops under his command, in the erection of a block-house and other protection for his troops and animals at Smoky Hill crossing, deserve special commendation, while the negligence exhibited elsewhere, especially at this post, while under its former commander, is deprecated and denounced.

By command of Major General S. R. Curtis.

JOHN WILLIAMS,
Assistant Adjutant General.

Official:

JOHN WILLIAMS, *A A. G.*

HEADQUARTERS OF THE ARMY,
Washington, March 18, 1865.

Official copy:

———— ————, *A. A. G.*

HEADQUARTERS DEPARTMENT OF KANSAS,
Fort Leavenworth, January 30, 1865.

GOVERNOR: Yours of the 20th is just received, and I telegraph the latest news. I was provoked at the course taken by the commanding officer at Julesburg, who took his entire force to escort prisoners through, leaving that

post for a few days entirely vacated. I have telegraphed a proper rebuke, and trust this will not again occur. None of my military stations have been disturbed. They are all intact, and generally too strong to be taken by assault. All we need is three or four regiments, which it seems to me will be sufficient. Most of these I would keep moving in the country infested by foes. I fear your Interior Department will make me trouble, by proposing military evolutions which conflict with my own. After traversing most of the plains last summer, up the Arkansas, up the Platte, and near the head of every stream between these rivers, my personal knowledge, coupled with that obtained from my officers, is abundant to enable me to understand the matter, and I am only desirous of doing what I consider necessary to make a finish, as near as may be, of these troubles. But I cannot carry on war on other people's plans. I want no fancy movements, such as occurred last summer, when one of your militia companies marched down the line, passing my troops, and claiming to have "opened the overland route," as though others had not been over most of the places on the Blue, and on Plum creek and elsewhere, where most of the losses had transpired. This move of Chivington against the bands that had been congregated on Sand creek, at the instance of Major Wynkoop, was also an inspiration of over-zeal which did not emanate from my headquarters. I name these things, governor, to secure unity of action, not to find fault.

On every occasion last summer I took the field promptly, and, although I did not get to Denver, I was at the slaughter-ground near Larned on the Arkansas, and on the Plum and Blue on the Platte, making overland journeys between, with active, efficient forces extending over two thousand miles; so that my zeal and energy cannot be doubted. I protest my desire to pursue and punish the enemy everywhere, in his lodges especially; but I do not believe in killing women and children who can be taken, and, if need be, camped east of the Mississippi, where they can be kept and cared for. I always did and do consider the Ash Hollow massacre a monstrous outrage, but the promotion and laudation that followed that transaction should excuse the indiscretion and cruelty of excited and outraged frontier soldiers, who have always heard Ash Hollow warfare extolled as the very brilliant point of glorious Indian warfare.

In my first movement last summer, when in pursuit of the Indians, I tried to restrain this plan of warfare, by issuing an order against the massacre of women and children, believing that taking such captive and bringing them away would just as effectually mortify and annoy the Indian robbers and warriors. Let me say, too, that I see nothing new in all this Indian movement since the Chivington affair, except that Indians are more frightened and keep further away. By pushing them hard this next month, before grass recruits their ponies, they will be better satisfied with making war and robbery a business. I would send into their lines some friendly, reliable Arapahoes and Cheyennes, and separate tribes, so as to save such as may be willing to make peace and fight the bad Indians.

Such are my views. I am not anxious to have the job of operating matters; but while I have command, I want unity of action, or no cross or counter currents. I have written this, because I see by telegraph that matters are spoken of as being organized at Washington, where I fear less is known of details.

I am, governor, yours truly,

S. R. CURTIS, *Major General.*

His Excellency Governor JNO. EVANS, *Washington, D C.*

HEADQUARTERS OF THE ARMY,
Washington, March 18, 1865.

Official copy:

——— ———, *A. A. G.*

HEADQUARTERS DEPARTMENT OF KANSAS,
Fort Leavenworth, January 30, 1865.

GENERAL: Governor Evans writes me, that he fears Chivington's conduct at Sand creek may embarrass military matters on the plains. I have written him fully, and enclose you a copy of my letter.

There is no new feature in these Indian troubles, except that Indians seem more frightened. More forces and more prudence will keep the lines open and subdue the hostile tribes. Some accounts of great combinations go the rounds; but I put no confidence in such stories.

The Indians of the plains are generally robbers and murderers, and act only from motives of hunger and avarice in their assaults, and by fear in their forbearance.

Settlements have increased, and our lines of communication have become more convenient for their assaults, till they become more troublesome and venturesome. The carelessness of emigration invited their assaults. It is folly to attribute the Indian troubles to the wrongs committed by white men. While we may condemn these, it is really more indulgence than cruelty that endured and continues their warfare. They have no great armies; they are not combined; their action is in separate bands of separate tribes. A thousand men with light artillery can whip their greatest possible combinations; but it is desirable to have three or four more regiments, so that a movable force of say two thousand can take a shifting attitude, going to a central point and throwing out detachments as circumstances seem to require. Such a force must follow the buffalo, as the Indians do, and must not go beyond reasonable proximity to the lines of travel, but remain near enough to the little posts that guard the travel and trains that follow the routes up the Platte and up the Arkansas.

I send you a map of the overland route to the mountains with stations marked. I have required our troops to erect defences against Indian assaults, and a few men can in this way hold position, and a few more accompany the stage or train to adjacent stations. Such forts cost nothing of consequence, and have already saved men and stores in several instances.

Forces are necessary on these lines and in the edge of settlements; but a movable force generally stationed between the Platte and Arkansas, as I have suggested, and nearest the eastern settlements where it can be most economically supplied, will, in my judgment, be the proper organization for the country. I have in a former letter expressed my purpose to do all I can to continue the campaign during the winter.

I specially urge the extension of the telegraph at least to Riley. The advantage will, in my judgment, greatly exceed the cost. I need connexion with the Indian and buffalo range, so I can direct matters on the Platte to correspond with intelligence arriving from the Santa Fe route. Our telegraph company can extend the line with only a cost of about ten thousand dollars; but it is proper to say my request last season was disapproved by the honorable the Secretary of War, and this is a renewal of the request.

I have the honor to be, general, your obedient servant,

S. R. CURTIS,
Major General.

Major General H. W. HALLECK,
Chief of Staff, Washington, D. C.

P. S.—*February* 2.—I delayed this for the map, which does not satisfy me, and will be delayed a few days for revision. I have ordered all possible force to Julesburg, where Indian difficulties continue. I have information, also, that a council of the chiefs have determined to try to draw off troops from the Ar-

kansas line, by attacking the Platte line. I have to act in view of their shifting assaults.

S. R. CURTIS, *Major General.*

HEADQUARTERS OF THE ARMY,
Washington, March 18, 1865.

Official copy :

HEADQUARTERS OF THE ARMY,
Washington, D. C., February 1, 1865.

GENERAL: I transmit herewith a copy of a letter from General Conner in regard to the defence of the overland mail route, and also several papers from General Curtis on this subject.

These papers and others were, on their receipt, forwarded to Lieutenant General Grant, and have been returned without any instructions from him, so far as I am informed.

It is therefore presumed that he deems the large cavalry force in the department of Kansas as sufficient for present purposes, without taking others from active duty in the field.

It is proper to state in this connexion, that others report these stories of Indian hostilities as greatly exaggerated, if not mostly gotten up for purposes of speculation; and respectable authorities assert that they are encouraged by the agents of the Overland Mail Company, in order to cover their frequent failure to transport the mails according to contract.

Be this as it may, it is highly important that the roads to New Mexico, Colorado, Utah and Idaho should be properly protected from Indian hostilities, so that there may be no interruption in the transmission of supplies and the mails.

You will transmit these papers, with the necessary instructions, to General Dodge, who will give the whole matter his immediate care and attention.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major General, Chief of Staff.

Major General JOHN POPE,
St. Louis, Missouri.

HEADQUARTERS ARMY, *March* 18, 1865.

Official copy :

J. C. KELTON, *A. A. G.*

SENATE CHAMBER,
February 13, 1865.

SIR : We are appointed by the Committee on Indian Affairs of the Senate a sub-committee to confer with the President and yourself on the subject of transferring the Indian country, with one tier of counties of western Arkansas, to the Missouri–Kansas Department. We refrain from giving reasons or argument, believing you are already of opinion the change should be promptly made, and merely submit the request.

Yours, &c.,

JAMES HARLAN,
J. H. LANE.

Hon. E. M. STANTON,
Secretary of War.

N. B.—I saw General Grant Saturday night, who informed me he had no objection to the change.

J. H. LANE.

We earnestly recommend that the Indian troops now in the service in the Indian country be mustered out of the service with their arms in time to raise a crop for their destitute families this season, if other troops are substituted.

JAMES HARLAN,
J. R. DOOLITTLE,
M. S. WILKINSON,
B. GRATZ BROWN,
C. R. BUCKALEW,
Committee on Indian Affairs.

HEADQUARTERS ARMY, *March* 18, 1865.

Official copy:

J. C. KELTON, *A. A. G.*

WAR DEPARTMENT,
January 23, 1865.

Case of application of Ben Holladay that General Curtis may be ordered to re-enforce Julesburg (crossing of the Platte) immediately.

Referred to Major General Halleck, chief of staff.

By order of the Secretary of War.

JAMES A. HARDIE,
Colonel and Inspector General.

HEADQUARTERS OF THE ARMY,
March 18, 1865.

Official copy:

J. C. KELTON,
Colonel and Assistant Adjutant General.

[From Julesburg, dated 14.—Received January 16, 1865.]

BEN HOLLADAY:

I arrived here to-day with fifteen (15) men; shall try and hold station; soldiers all gone; only the wounded; station badly torn up; messenger robbed; great deal of property destroyed.

R. R. THOMAS,
Division Adjutant.

HEADQUARTERS OF THE ARMY,
March 18, 1865.

Official copy:

J. C. KELTON,
Colonel and Assistant Adjutant General.

[Dated New York 21, 1865.—Received Washington, January 21, 1865.]

(Care of Senator POMEROY, 15th and F sts.)

Reuben Thomas telegraphs cannot hold Julesburg. If he does not the In-

dians have conquered the country, from Kearney to Denver, beyond hope this winter.

BEN HOLLADAY.

HEADQUARTERS OF THE ARMY,
March 18, 1865.

Official copy:

J. C. KELTON,
Colonel and Assistant Adjutant General.

[Dated New York 21, 1865, 11 o'clock.—Received Washington, January 21, 1865.]

To GEORGE B. JOLIS, care of Senator POMEROY:

Try to have order sent to Curtis or Mitchell to help them at Julesburg, or he will abandon.

B. HOLLADAY.

HEADQUARTERS OF THE ARMY,
March 18, 1865.

Official copy:

J. C. KELTON,
Colonel and Assistant Adjutant General.

FORT LYON, COLORADO TERRITORY,
January 15, 1865.

SIR: In pursuance of Special Order No. 43, headquarters, district of Upper Arkansas, directing me to assume command of Fort Lyon, as well as to investigate and immediately report in regard to late Indian proceedings in this vicinity, I have the honor to state that I arrived at this post on the evening of the 14th of January, 1865, assumed command on the morning of the 15th of January, 1865, and the result of my investigation is as follows:

As explanatory, I beg respectfully to state that, while formerly in command of this post, on the 4th day of September, 1864, and after certain hostilities on the part of the Cheyenne and Arapahoe Indians, induced, as I have had ample proof, by the overt acts of white men, three Indians (Cheyennes) were brought as prisoners to me, who had been found coming toward the post, and who had in their possession a letter written, as I ascertained afterwards, by a half-breed in the Cheyenne camp, as coming from Black Kettle and other prominent chiefs of the Cheyenne and Arapahoe nations, the purport of which was that they desired peace, had never desired to be at war with the whites, &c., as well as stating that they had in their possession some white prisoners, women and children, whom they were willing to deliver up providing that peace was granted them. Knowing that it was not in my power to insure and offer them the peace for which they sued, but at the same time anxious, if possible, to accomplish the rescue of the white prisoners in their possession, I finally concluded to risk an expedition with the command I could raise, numbering one hundred and twenty-seven men, to their rendezvous, where I was informed they were congregated to the number of two thousand, and endeavor by some means to procure the aforesaid white prisoners, and to be governed in my course in accomplishing the same entirely by circumstances. Having formerly made lengthy reports in regard to the details of my expedition, I have but to say that I succeeded, pro-

cured four white captives from the hands of these Indians, simply giving them in return a pledge that I would endeavor to procure for them the peace for which they so anxiously sued, feeling that, under the proclamation issued by John Evans, governor of Colorado and superintendent of Indian affairs, a copy of which becomes a portion of this report, even if not by virtue of my position as a United States officer, highest in authority in the country included within the bounds prescribed as the country of the Arapahoe and Cheyenne nations, I could offer them protection until such time as some measures might be taken by those higher in authority than myself in regard to them. I took with me seven of the principal chiefs, including Black Kettle, to Denver city, for the purpose of allowing them an interview with the governor of Colorado, by that means making a mistake of which I have since become painfully aware—that of proceeding with the chiefs to the governor of Colorado Territory, instead of to the headquarters of my district, to my commanding officer. In the consultation with Governor Evans, the matter was referred entirely to the military authorities. Colonel J. M. Chivington, at that time commander of the district of Colorado, was present at the council held with these Indian chiefs, and told them that the whole matter was referred to myself, who would act toward them according to the best of my judgment, until such time as I could receive instructions from the proper authorities. Returning to Fort Lyon, I allowed the Indians to bring their villages to the vicinity of the post, including their squaws and pappooses, and in such a position that I could at any moment, with the garrison I had, have annihilated them, had they given any evidence of hostility of any kind, in any quarter.

I then immediately despatched my adjutant, Lieutenant W. W. Denison, with a full statement, to the commanding general of the department, asking for instructions; but in the mean while various false rumors having reached district headquarters in regard to my course, I was relieved from the command of Fort Lyon, and ordered to report at headquarters. Major Scott J. Anthony, 1st cavalry of Colorado, who had been ordered to assume command of Fort Lyon, previous to my departure held a consultation with the chiefs, in my presence, and told them that though acting under strict orders, under the circumstances, he could not materially differ from the course which I had adopted, and allowed them to remain in the vicinity of the post, with their families, assuring them perfect safety until such time as positive orders should be received from headquarters in regard to them. I left the post on the 25th day of November, for the purpose of reporting at district headquarters. On the second day after leaving Fort Lyon, while on the plains, I was approached by three Indians, one of whom stated to me that he had been sent by Black Kettle to warn me that about two hundred Sioux warriors had proceeded down the road between where I was and Fort Larned, to make war, and desired that I should be careful; another evidence of these Indians good faith. All of his statement proved afterwards to be correct. Having an escort of twenty-eight men, I proceeded on my way, but did not happen to fall in with them.

From evidence of officers at this post, I understand that on the 27th day of November, 1864, Colonel J. M. Chivington, with the 3d regiment of Colorado cavalry (one-hundred-days men) and a battalion of the 1st Colorado cavalry. arrived at Fort Lyon, ordered a portion of the garrison to join him, under the command of Major Scott J. Anthony, and against the remonstrance of the officers of the post, who stated to him the circumstances of which he was well aware, attacked the camp of friendly Indians, the major portion of which were composed of women and children. The affidavits which become a portion of this report will show, more particularly than I can state, the full particulars of that massacre. Every one whom I have spoken to, either officer or soldier, agrees in the relation that the most fearful atrocities were committed that ever were heard of. Women and children were killed and scalped, children shot at

their mothers' breasts, and all the bodies mutilated in the most horrible manner. Numerous eye-witnesses have described scenes to me, coming under the eye of Colonel Chivington, of the most disgusting and horrible character; the dead bodies of females profaned in such a manner that the recital is sickening; Colonel J. M. Chivington all the time inciting his troops to these diabolical outrages. Previous to the slaughter commencing he addressed his command, arousing in them, by his language, all their worst passions, urging them on to the work of committing all these atrocities. Knowing himself all the circumstances of these Indians resting on the assurances of protection from the government, given them by myself and Major Scott J. Anthony, he kept his command in entire ignorance of the same; and when it was suggested that such might be the case he denied it, positively stating that they were still continuing their depredations, and laid there threatening the fort. I beg leave to draw the attention of the colonel commanding to the fact established by the enclosed affidavits, that two-thirds or more of that Indian village were women and children, and he is aware whether or not the Indians go to war taking with them their women and children. I desire also to state that Colonel J. M. Chivington is not my superior officer, but is a citizen mustered out of the United States service; and also, that at the time this inhuman monster committed this unprecedented atrocity he was a citizen, by reason of his term of service having expired, he having lost his regulation command some months previous.

Colonel Chivington reports officially that between five and six hundred Indians were left dead upon the field. I have been informed by Captain Booth, district inspector, that he visited the field and counted but sixty-nine bodies, and by others who were present that but a few, if any, over that number were killed, and that two-thirds of them were women and children. I beg leave to further state, for the information of the colonel commanding, that I have talked to every officer in Fort Lyon, and many enlisted men, and that they unanimously agree that all the statements I have made in this report are correct.

In conclusion, allow me to say that from the time I held the consultation with the Indian chiefs on the head-waters of Smoky Hill, up to the date of the massacre by Colonel Chivington, not one single depredation had been committed by the Cheyenne and Arapahoe Indians. The settlers of the Arkansas valley had returned to their ranches from which they had fled, had taken in their crops, and had been resting in perfect security under assurances from myself that they would be in no danger for the present, by that means saving the country from what must inevitably become almost a famine were they to lose their crops; the lines of communication were opened and travel across the plains rendered perfectly safe through the Cheyenne and Arapahoe country. Since this last horrible murder by Colonel Chivington the country presents a scene of desolation. All communication is cut off with the States except by sending large bodies of troops, and already over a hundred whites have fallen as victims to the fearful vengeance of these betrayed Indians. All this country is ruined. There can be no such thing as peace in the future but by the total annihilation of all the Indians on the plains. I have the most reliable information to the effect that the Cheyennes and Arapahoes have allied themselves with the Kiowas Comanches, and Sioux, and are congregated to the number of five or six thousand on the Smoky Hill.

Let me also draw the attention of the colonel commanding to the fact stated by affidavit, that John Smith, United States interpreter, a soldier, and a citizen, were present in the Indian camp, by permission of the commanding officer of this post—another evidence to the fact of these same Indians being regarded as friendly; also, that Colonel Chivington states, in his official report, that he fought from nine hundred to one thousand Indians, and left from five to six hundred dead upon the field, the sworn evidence being that there were but five

hundred souls in the village, two-thirds of them being women and children, and that there were but from sixty to seventy killed, the major portion of whom were women and children.

It will take many more troops to give security to travellers and settlers in this country, and to make any kind of successful warfare against these Indians. I am at work placing Fort Lyon in a state of defence, having all, both citizens and soldiers, located here employed upon the works, and expect soon to have them completed, and of such a nature that a comparatively small garrison can hold the fort against any attack by Indians.

Hoping that my report may receive the particular attention of the colonel commanding, I respectfully submit the same.

Your obedient servant,

E. W. WYNKOOP,
Major Com'g 1st Colorado Cavalry and Fort Lyon.

Lieutenant J. E. TAPPAN,
Act'g Ass't Adj't General, District of Upper Arkansas.

ADJUTANT GENERAL'S OFFICE, *March*, 1865.

Official:

_____,
Assistant Adjutant General.

FORT LYON, COLORADO TERRITORY,
January 15, 1865.

Personally appeared before me John Smith, United States Indian interpreter, who, after being duly sworn, says:

That on the 4th day of September, 1864, he was appointed Indian interpreter for the post of Fort Lyon, and has continued to serve in that capacity up to the present date; that on the 4th day of September, 1864, by order of Major E. W. Wynkoop, commanding post of Fort Lyon, he was called upon to hold a conversation with three Cheyenne Indians, viz: One Eye, and two others, who had been brought in to the post that day; that the result of the interview was as follows: One Eye, Cheyenne, stated that the principal chiefs and sub-chiefs of the Cheyenne and Arapahoe nations had held a consultation and agreed to a man, of the chiefs and sub-chiefs, to come or send some one who was well acquainted with the parties at the post, and finally agreed to send himself, One Eye, with a paper written by George Bent, half-breed, to the effect that they, the Cheyennes and Arapahoes, had and did agree to turn over to Major E. W. Wynkoop, or any other military authority, all the white prisoners they had in their possession, as they were all anxious to make peace with the whites, and never desired to be at war. Major E. W. Wynkoop then asked One Eye, he having lived among whites, and known to have always been friendly disposed towards them, whether he thought the Indians were sincere, and whether they would deliver the white prisoners into his (Major Wynkoop's) hands. His reply was, that at the risk of his life he would guarantee their sincerity. Major Wynkoop then told him that he would detain him as a prisoner for the time, and if he concluded to proceed to the Indian camp he would take him with him and hold him as a hostage for their (the Indian's) good faith.

One Eye also stated that the Cheyenne and Arapahoe nations were congregated, to the number of two thousand, on the head-waters of the Smoky Hill, including some forty lodges of Sioux; that they had rendezvoused there, and brought in their war parties for the purpose of hearing what would be the result of their message by which they had sued for peace, and would remain until they heard something definite. Major Wynkoop told One Eye that he would pro-

ceed to the Indian camp and take him with him. One Eye replied that he was perfectly willing to be detained a prisoner, as well as to remain a hostage for the good faith of the Indians, but desired the major to start as soon as possible, for fear the Indians might separate.

On the 6th day of September I was ordered to proceed with Major Wynkoop and his command in the direction of the Indian encampment. After a four days' march, came in sight of the Indians, and one of the three Indians before mentioned was sent to acquaint the chiefs with what was the object of the expedition, with the statement that Major Wynkoop desired to hold a consultation with the chiefs. On the 10th day of September, 1864, the consultation was held between Major Wynkoop and his officers, and the principal chiefs of the Cheyenne and Arapahoe nations. Major Wynkoop stated through me, to the chiefs, that he had received their message; that acting on that, he had come to talk with them; asked them whether they all agreed to and indorsed the contents of the letter which he had in his possession, and which had been brought in by One Eye. Receiving an answer in the affirmative, he then told the chiefs that he had not the authority to conclude terms of peace with them, but that he desired to make a proposition to them to the effect that if they would give him evidence of their good faith by delivering into his hands the white prisoners they had in their possession, he would endeavor to procure for them peace, which would be subject to conditions that he would take with him what principal chiefs they might select, and conduct them in safety to the governor of Colorado, and whatever might be the result of their interview with him, return them in safety to their tribe.

Black Kettle, the head chief of the Cheyenne nation, replied as follows:

That the Cheyenne and Arapahoe nations had always endeavored to observe the terms of their treaty with the United States government; that some years previously, when the white emigration first commenced coming to what is now the Territory of Colorado, the country which was in possession of the Cheyenne and Arapahoe nations, they could have successfully made war against them, the whites. They did not desire to do so—had invariably treated them with kindness, and had never, to their knowledge, committed any destruction whatever; that until the last few months they had gotten along in perfect peace and harmony with their white brethren, but while a hunting party of their young men were proceeding north, in the neighborhood of the South Platte river, having found some loose stock belonging to white men, which they were taking to a ranch to deliver them up, they were suddenly confronted by a party of United States soldiers and ordered to deliver up their arms. A difficulty immediately ensued, which resulted in the killing and wounding several on both sides.

A short time after this occurrence took place, a village of pappooses, squaws and old men, located on what is known as the Cedar cañon, a short distance north of the South Platte river, who were perfectly unaware of any difficulty having occurred between any portion of their tribe, Cheyenne, and the whites, were attacked by a large party of soldiers, and some of them killed and their ponies driven off. After this, while a body of United States troops were proceeding from the Smoky Hill to the Arkansas river, they reached the neighborhood of Sean Bears' band of the Cheyenne nation. Sean Bears', second chief of the Cheyennes, approached the column of troops alone, his warriors remaining off some distance, he not dreaming that there was any hostility between his nation and the whites. He was immediately shot down, and fire opened upon his band; the result of which was a fight between the two parties. Presuming from all these circumstances that war was inevitable, the young men of the Cheyenne nation commenced to retaliate by committing various depredations all the time, which he, Black Kettle, and other principal chiefs of the Cheyenne nation, was opposed to, and endeavored by all means in their power to restore pacific relations between that tribe and their white brethren, but at various

times, when endeavoring to approach the military post for the purpose of accomplishing the same, were fired upon and driven off. In the mean time, while their brothers and allies, the Arapahoes, were on perfectly friendly terms with the whites, and Left Hand's band of that nation were camped in close vicinity to Fort Larned, Left Hand, one of the principal chiefs of the Arapahoe nation, learning that it was the intention of the Kiowas on a certain day to drive off the stock from Fort Larned, proceeded to the commanding officer of that post and informed him of the fact. No attention was paid to the information he gave, and on the day indicated the Kiowas run off the stock. Left Hand again approached the post with a portion of his warriors, for the purpose of offering his services to the commanding officer there to pursue and endeavor to regain the stock from the Kiowa Indians, when he was fired upon and was obliged hastily to leave.

The young men of the Arapahoe nation, supposing it was the intention of the whites to make war upon them as well as the Cheyennes, also commenced retaliating as they were able, and against the desire of most of their principal chiefs, who, as well as Black Kettle and other chiefs of the Cheyennes, were bitterly opposed to hostility with the whites.

He then said that he had lately heard of a proclamation issued by the governor of Colorado, inviting all friendly disposed Indians to come in to the different military posts, and that they would be protected by the government. Under these circumstances, although he thought the whites had been the aggressors and forced the trouble upon the Indians, and anxious for the welfare of his people, he had made this last effort to communicate again with the military authority, and he was glad he succeeded.

He then arose, shook hands with Major Wynkoop and his officers, stating that he was still, as he always had been, a friend to the whites, and, as far as he was concerned, he was willing to deliver up the white prisoners, or anything that was required of him, to procure peace, knowing it to be for the good of his people, but that there were other chiefs who still thought that they were badly treated by the "white brethren," who were willing to make peace, but who felt unwilling to deliver up the prisoners simply on the promise of Major Wynkoop that he would endeavor to procure them peace. They desired that the delivering up the white prisoners should be an assurance of peace. He also went on to state that even if Major Wynkoop's proposition was not accepted there by the chiefs assembled, and although they had sufficient force to entirely overpower Major Wynkoop's small command, from the fact that he had come in good faith to hold this consultation, he should return unmolested to Fort Lyon.

The expressions of other chiefs were to the effect that they insisted upon peace as the conditions of their delivering up the white prisoners.

Major Wynkoop finally replied that he repeated what he had said before, that it was not in his power to insure them peace, and that all he had to say in closing was that they might think about his proposition, that he would march to a certain locality, distant twelve miles, and there await the result of their consultation for two days, advising them at the same time to accede to his proposition as the best means of procuring that peace for which they were anxious.

The white prisoners were brought in and turned over to Major Wynkoop before the time had expired set by him, and Black Kettle, White Antelope, and Bull Bear, of the Cheyenne nation, as well as Nevah Nattanee, Borcu, and Heap Buffalo, of the Arapahoe nation, all chiefs, delivered themselves over to Major Wynkoop. We then proceeded to Fort Lyon, and from there to Denver, Colorado Territory, at which place Governor Evans held a consultation with these chiefs, the result of which was as follows:

He told them he had nothing to do with them; that they would return with Major Wynkoop, who would reconduct them in safety, and they would have to

await the action of military authorities. Colonel Chivington, then in command of the district, also told them that they would remain at the disposal of Major Wynkoop until higher authority had acted in their case. The Indians appeared to be perfectly satisfied, presuming that they would eventually be all right as soon as these authorities could be heard from, and expressed themselves so. Black Kettle embraced the governor and Major Wynkoop, and shook hands with all the other officials present, perfectly contented, deeming that the matter was settled. On our return to Fort Lyon I was told by Major Wynkoop to say to the chiefs that they could bring their different bands, including their families, to the vicinity of the post until he had heard from the big chief; that he preferred to have them under his eye and away from other quarters, where they were likely to get into difficulties with the whites.

The chiefs replied that they were willing to do anything Major Wynkoop might choose to dictate, as they had perfect confidence in him. Accordingly, the chiefs went after their families and villages and brought them in; they appeared satisfied that they were in perfect security and safety after their villages were located, and Major Wynkoop had sent an officer to headquarters for instructions. He, Major Wynkoop, was relieved from command of the post by Major Scott J. Anthony, and I was ordered to interpret for him, Major Anthony, in a consultation he desired to hold with these Indians. The consultation that then took place between Major Anthony and these Indians was as follows:

Major Anthony told them that he had been sent here to relieve Major Wynkoop, and that he would from that time be in command of this post; that he had come here under orders from the commanders of all the troops in this country, and that he had orders to have nothing to do with Indians whatever, for they heard at headquarters that the Indians had lately been committing depredations, &c., in the very neighborhood of this post, but that since his arrival he had learned that these reports were all false; that he would write to headquarters himself and correct the rumor in regard to them, and that he would have no objection to their remaining in the vicinity of Sand creek, where they were then located, until such a time as word might be received from the commander of the department; that he himself would forward a complete statement of all that he had seen or heard in regard to them, and that he was in hopes that he would have some good news for the Indians upon receiving an answer, but that he was sorry that his orders were such as to render it impossible for him to make them any issues whatever.

The Indians then replied that it would be impossible for them to remain any great length of time, as they were short of provisions. Major Anthony then told them that they could let their villages remain where they were and send their young men out to hunt buffalo, as he understood that the buffaloes had lately come close in. The Indians appeared to be a little dissatisfied with the change in the commanders of the post, fearing that it boded them no good; but having received assurances of safety from Major Anthony, they still had no fears of their families being disturbed.

On the 26th of November I received permission from Major Scott J. Anthony, commanding post, to proceed to the Indian village on Sand creek for the purpose of trading with the Indians, and started, accompanied by a soldier named David Louderback, and a citizen, Watson Clark. I reached the village and commenced to trade with them. On the morning of the 29th of November the village was attacked by Colonel J. M. Chivington with a command of from nine hundred to one thousand men. The Indian village numbered about one hundred lodges, counting altogether five hundred souls, two-thirds of whom were women and children. From my observation, I do not think there were over sixty Indians

that made any defence. I rode over the field after the slaughter was over and counted from sixty to seventy dead bodies, a large majority of which were women and children, all of whose bodies had been mutilated in the most horrible manner. When the troops first approached, I endeavored to join them, but was repeatedly fired upon, as also the soldier and the citizen with me.

When the troops began approaching, I saw Black Kettle, the head chief, hoist the American flag over his lodge, as well as a white flag, fearing there might be some mistake as to who they were. After the fight Colonel Chivington returned with his command in the direction of Fort Lyon, and then proceeded down the Arkansas river.

JOHN S. SMITH,
U. S. Interpreter.

Sworn and subscribed to at Fort Lyon, Colorado Territory, this 27th day of January, 1865.

W. P. MINTON,
Second Lieut. 1st New Mexico Vols., Post Adjutant.

ADJUTANT GENERAL'S OFFICE,
March —, 1865.

Official:

—— ——, *A. A. G.*

FORT LYON, COLORADO TERRITORY,
January 16, 1865.

Personally appeared before me Lieutenant James D. Cannan, 1st New Mexico volunteer infantry, who, after being duly sworn, says:

That on the 28th day of November, 1864, I was ordered by Major Scott J. Anthony to accompany him on an Indian expedition as his battalion adjutant. The object of that expedition was to be a thorough campaign against hostile Indians, as I was led to understand. I referred to the fact of there being a friendly camp of Indians in the immediate neighborhood, and remonstrated against simply attacking that camp, as I was aware that they were resting there in fancied security, under promises held out to them of safety from Major G. W. Wynkoop, from commander of the post of Fort Lyon, as well as by Major S. J. Anthony, then in command. Our battalion was attached to the command of Colonel J. M. Chivington, and left Fort Lyon on the night of the 28th of November, 1864. About daybreak on the morning of the 29th of November we came in sight of the camp of the friendly Indians aforementioned, and was ordered by Colonel Chivington to attack the same, which was accordingly done. The command of Colonel Chivington was composed of about one thousand men. The village of the Indians consisted of from one hundred to one hundred and thirty lodges, and, as far as I am able to judge, of from five hundred to six hundred souls, the majority of whom were women and children.

In going over the battle-ground the next day, I did not see a body of man, woman, or child but was scalped; and in many instances their bodies were mutilated in the most horrible manner, men, women, and children—privates cut out, &c. I heard one man say that he had cut a woman's private parts out, and had them for exhibition on a stick; I heard another man say that he had cut the fingers off of an Indian to get the rings on the hand. According to the best of my knowledge and belief, these atrocities that were committed were with the knowledge of J. M. Chivington, and I do not know of his taking any measures to prevent them. I heard of one instance of a child a few

months old being thrown in the feed-box of a wagon, and after being carried some distance, left on the ground to perish. I also heard of numerous instances in which men had cut out the private parts of females, and stretched them over the saddle-bows, and wore them over their hats, while riding in the ranks. All these matters were a subject of general conversation, and could not help being known by Colonel J. M. Chivington.

JAMES D. CANNAN,
First Lieutenant 1st Infantry, New Mexico Volunteers.

Sworn and subscribed to before me this 27th day of January, 1865, at Fort Lyon, Colorado Territory.

W. P. MINTON,
Second Lieut., 1st New Mexico Vols., Post Adjutant.

Deposition of Lieutenant Cannan, 1st New Mexico Volunteers.

Was ordered by Major Anthony to accompany him as his adjutant on an Indian expedition—object, thorough campaign. States that he referred to the camp of friendly Indians, and remonstrated against attacking that camp.

About daybreak, November 29, Colonel Chivington ordered the attack; gives particulars of the barbarities of our men, cutting out *privates, &c.*

ADJUTANT GENERAL'S OFFICE, *March* —, 1865.

Official:

_____,
Assistant Adjutant General.

FORT LYON, COLORADO TERRITORY,
January 16, 1865.

Personally appeared before me Captain R. A. Hill, 1st New Mexico volunteer infantry, who, after being duly sworn, says:

That, as an officer in the service of the United States, he was on duty at Fort Lyon, Colorado Territory; at the time there was an understanding between the chiefs of the Arapahoe and Cheyenne nations and Major E. W. Wynkoop with regard to their resting in safety with their villages in the vicinity of Fort Lyon until such time as orders in regard to them could be received from the commanding general of the department; that after Major Wynkoop being relieved from the command of Fort Lyon, Colorado Territory, the same understanding existed between Major Scott J. Anthony and the aforesaid Indians; that, to the best of his knowledge and belief, the village of Indians massacred by Colonel J. M. Chivington on the 29th day of November, 1864, were the same friendly Indians heretofore referred to.

R. A. HILL,
Captain 1st Infantry, New Mexico Volunteers.

Sworn and subscribed to before me this 27th day of January, 1865.

W. P. MINTON,
Second Lieut. 1st Infantry, New Mexico Vols. Post Adjutant.

Deposition of Captain R. A. Hill, 1st New Mexico infantry.

Was on duty at Fort Lyon at time these Indians were camping near said fort; that they were then, by permission of Major Wynkoop and Major Anthony, waiting until instructions could be received from headquarters how to act in their case.

To the best of his knowledge, these Indians were the same massacred by Colonel Chivington November 29.

ADJUTANT GENERAL'S OFFICE, *March* —, 1865.

Official:

_____,

Assistant Adjutant General

FORT LYON, COLORADO TERRITORY,
January 27, 1865.

Personally appeared before me Second Lieutenant W. P. Minton, first regiment, New Mexico infantry volunteers, and Lieutenant C. M. Cossitt, first cavalry of Colorado, who, after being duly sworn, say:

That on the 28th day of November, 1864, Colonel J. M. Chivington, with the third regiment of Colorado cavalry (one-hundred-days men) and a battalion of the first cavalry of Colorado, arrived at this post, and on the 29th of November attacked a village of friendly Indians in this vicinity, and, according to representations made by others in our presence, murdered their women and children, and committed the most horrible outrages upon the dead bodies of the same; that the aforesaid Indians were recognized as friendly by all parties at this post, under the following circumstances, viz:

That Major E. W. Wynkoop, formerly commander of the post, had given them assurances of safety until such time as he could hear from the commanding general of the department in consequence of their having sued for peace, and given every evidence of their sincerity by delivering up the white prisoners they had in their possession, by congregating their families together and leaving them at the mercy of the garrison of Fort Lyon, who could have massacred them at any moment they felt so disposed; that upon Major Wynkoop being relieved from the command of Fort Lyon and Major Scott J. Anthony assuming command of the same, it was still the understanding between Major Anthony and the Indians that they could rest in the security guaranteed them by Major Wynkoop.

Also, that Colonel J. M. Chivington, on his arrival at the post of Fort Lyon, was aware of the circumstances in regard to these Indians, from the fact that different officers remonstrated with him, and stated to him how these Indians were looked upon by the entire garrison; that, notwithstanding these remonstrances, and in the face of all these facts, he committed the massacre aforementioned.

W. P. MINTON,
Second Lieut. 1st Infantry, New Mexico Volunteers.
C. M. COSSITT,
First Lieutenant 1st Cavalry of Colorado.

Sworn and subscribed to before me this 27th day of January, 1865.

W. W. DENISON,
Second Lieutenant 1st Colorado Veteran Cavalry,
Acting Regimental Adjutant.

ADJUTANT GENERAL'S OFFICE, *March* —, 1865.

Official: _____,

Assistant Adjutant General.

FORT LYON, COLORADO, *January* 27, 1865.

Personally appeared before me Samuel G. Colley, who, being duly sworn, on oath deposes and says:

That he is now, and has been for the past three years, United States agent for the Arapahoe and Cheyenne Indians.

That in the month of June last he received instructions from Hon. John Evans, governor and ex-officio superintendent Indian affairs for Colorado Territory, directing him to send out persons into the Indian country to distribute printed proclamations, (which he was furnished with,) inviting all friendly Indians to come in to the different places designated in said proclamation, and they would be protected and fed. That he caused the terms of said proclamation to be widely disseminated among the different tribes of Indians under his charge, and that in accordance therewith a large number of Arapahoes and Cheyennes came into this post, and provisions were issued to them by Major E. W. Wynkoop, commanding, and myself.

That on the 4th day of September last two Cheyenne Indians (One Eye and Manimick) came into this post with information that the Arapahoes and Cheyennes had several white prisoners among them that they had purchased, and were desirous of giving them up and making peace with the whites.

That on the 6th day of September following Major E. W. Wynkoop left this post with a detachment of troops to rescue said prisoners, and that after an absence of several days he returned, bringing with him four white prisoners which he received from the Arapahoe and Cheyenne Indians. He was accompanied on his return by a number of the most influential men of both tribes, who were unanimously opposed to war with the whites, and desired peace at almost any terms that the whites might dictate.

That immediately upon the arrival of Major Wynkoop at this post large numbers of Arapahoes and Cheyennes came in and camped near the post.

Major Wynkoop selected several of the most prominent chiefs of both nations and proceeded to Denver to council with Superintendent Evans; after his return he held frequent councils with the Indians, and at all of them distinctly stated that he was not empowered to treat with them, but that he had despatched a messenger to the headquarters of the department, stating their wishes in the matter, and that as soon as he received advices from there he would inform them of the decision of General Curtis respecting them.

That until that time, if they placed themselves under his protection, they should not be molested. That the Indians remained quietly near the post until the arrival of Major Anthony, who relieved Major Wynkoop.

Major Anthony held a council with the Indians, and informed them that he was instructed not to allow any Indians in or near the post, but that he had found matters here much better than he had expected, and advised them to go out and camp on Sand creek until he could hear from General Curtis. He wished them to keep him fully advised of all the movements of the Sioux, which they promptly did.

He also promised them that as soon as he heard from General Curtis he would advise them of his decision.

From the time that Major Wynkoop left this post to go out to rescue the white prisoners until the arrival of Colonel Chivington here, which took place on the 28th of November last, no depredations of any kind had been committed by the Indians within two hundred miles of this post.

That upon Colonel Chivington's arrival here with a large body of troops he was informed where these Indians were encamped, and was fully advised under what circumstances they had come in to this post, and why they were then on Sand creek. That he was remonstrated with both by officers and civilians at

this post against making war upon those Indians. That he was informed and fully advised that there was a large number of friendly Indians there, together with several white men who were there at the request of himself (Colley) and by permission of Major Anthony. That notwithstanding his knowledge of the facts as above set forth, he is informed that Colonel Chivington did, on the morning of the 29th of November last, surprise and attack said camp of friendly Indians, and massacre a large number of them, (mostly women and children,) and did allow the troops under his command to mangle and mutilate them in the most horrible manner.

S. G. COLLEY,
United States Indian Agent.

Sworn and subscribed to before me this 28th day of January, 1865, at Fort Lyon, Colorado Territory.

W. P. MINTON,
Second Lieut. 1st Infantry, New Mexico Vols., Post Adjutant.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, ——— —, 186—.

Deposition of Samuel G. Colley, United States agent for the Arapahoe and Cheyenne Indians, says that in June last, obedient to instructions from Governor Evans, Colorado Territory, he distributed printed proclamations through the Indian country, inviting all friendly Indians to come to the different places designated in said proclamation. That the Indians in question came to Fort Lyon; provisions were issued to them by Major Wynkoop. That two of the chiefs reported they had several white prisoners which they purchased, and which they wished to give up. That Major Wynkoop, on the 6th of September, went and rescued the prisoners. On his return, was accompanied by influential men of both tribes unanimously for peace at any terms almost the whites might dictate. Major Wynkoop proceeded with the chiefs to council with Governor Evans. Major Wynkoop repeatedly stated that he had not the power to treat with them, but was waiting instructions from General Curtis, and until that time he would protect them. These Indians kept the commander of the post fully advised of the movements of the Sioux. No depredations were committed within two hundred miles of the post while these Indians were in the vicinity of the post.

Upon Colonel Chivington's arrival he was informed where the Indians were and advised of the circumstances that brought them. He was remonstrated with by officers and civilians against making war. Notwithstanding Colonel Chivington's knowledge of these facts, on the 29th November he surprised and attacked said camp of friendly Indians, killed a large number, mostly women, and allowed his troops to mangle and mutilate bodies.

Deposition of Lieutenants Minton and Cossitt.

Colonel Chivington, with 3d Colorado cavalry and battalion of 1st Colorado cavalry, attacked, on the 29th November, a village of friendly Indians, and, according to representation, murdered women and children in horrible manner. Indians were recognized friendly. They were there and on assurance from

Major Wynkoop of safety. Indians earned the friendship by giving up white prisoners. Colonel Chivington was acquainted with circumstances, and was remonstrated with against, &c.

ADJUTANT GENERAL'S OFFICE; *March* —, 1865.

Official:

_____, _____,

Assistant Adjutant General.

FORT LYON, COLORADO TERRITORY,
January 27, 1865.

Personally appeared before me Private David Louderback, 1st cavalry of Colorado, and R. W. Clark, citizen, who, after being duly sworn, say:

That they accompanied John Smith, United States Indian interpreter, on the 26th day of November, 1864, by permission of Major Scott J. Anthony, commanding post of Fort Lyon, Colorado Territory, to the village of the friendly Cheyenne and Arapahoe Indians, on Sand creek, close to Fort Lyon, Colorado Territory, he, John Smith, having received permission to trade with the aforesaid friendly Indians; that on the morning of the 29th day of November, 1864, the said Indian village was attacked, while deponents were in the same, by Colonel J. M. Chivington, with a command of about 1,000 men; that, according to their best knowledge and belief, the entire Indian village was composed of not more than 500 souls, two-thirds of which were women and children; that the dead bodies of women and children were afterwards mutilated in the most horrible manner; that it was the understanding of the deponents, and the general understanding of the garrison of Fort Lyon, that this village were friendly Indians; that they had been allowed to remain in the locality they were then in by permission of Major Wynkoop, former commander of the post, and by Major Anthony, then in command, as well as from the fact that permission had been given John Smith and the deponents to visit the said camp for the purpose of trading.

R. W. CLARK,
DAVID H. LOUDERBACK.

Sworn and subscribed to before me this 27th day of January, 1865.

W. P. MINTON,
Second Lieut. New Mexico Vols., Post Adjutant.

Deposition of David Louderback, 1st Colorado cavalry, and R. W. Clark, citizen.

They were in camp of Indians with John Smith, interpreter, who had permission to trade with the Indians. On the morning of 29th November camp was attacked by Colonel Chivington's command of 1,000 men, while they were in camp; dead bodies of women and children were horribly mutilated; that it was their understanding, and general understanding of garrison Fort Lyon, that these Indians were friendly; that they were allowed to remain there by Major Wynkoop and Major Anthony.

ADJUTANT GENERAL'S OFFICE, *March* —, 1865.

Official:

_____, _____,

Assistant Adjutant General.

WAR DEPARTMENT, *February* 14, 1865.

Resolutions of Kansas legislature, requesting the Secretary of War to place a sufficient force under General Curtis to enable him to protect the Kansas frontier and the overland and Santa Fé routes.

Referred to General HALLECK, chief of staff, February 14, 1865.

Copy sent to General GRANT some days ago.

H. W. HALLECK,
Major General, and Chief of Staff.

HEADQUARTERS OF THE ARMY,
March 18, 1865.

Official:

J. C. KELTON, *Colonel, A. A. G.*

CONCURRENT RESOLUTIONS in relation to the overland travel and the settlers upon the frontier.

Whereas the Indian massacres which occurred upon the border of our State during the summer and fall of 1864, and which are now being re-enacted by the hostile tribes of Indians upon the overland route to California, Nevada, and New Mexico, and the Territories of Colorado and Idaho, interfere and retard the settlement and development of the mineral resources of these Territories, and interrupt the overland communication to and from the Pacific and the Territories of Colorado and Idaho; and whereas the military force on said route is entirely inadequate and insufficient to chastise the hostile tribes of Indians, and to keep them from committing their murderous attacks upon emigrants to those Territories and Pacific States, and to keep the line of communication open from the Missouri river, in the State of Kansas, to said States of California and Nevada, and Territories of Colorado and Idaho and New Mexico; and whereas it is necessary to the settlement of the northern and western portion of our State that the hostile tribes of Indians be prevented, if possible, from committing their murderous attacks upon our frontier settlers and the overland mail: Therefore

Be it resolved by the house of representatives of the State of Kansas, (the senate concurring therein,) That the Secretary of War be, and he is hereby, requested to place a sufficient military force in the hands of Major General Curtis, commanding this department, to enable him to give sufficient and ample protection to the frontier of Kansas and the overland and Santa Fé routes.

Resolved, That the secretary of state be instructed to forward copies of this preamble and resolution to the Secretary of War and our senators and representatives in Congress.

Passed by both houses.

D. M. EMMERT, *Chief Clerk.*

I, R. A. Barker, secretary of state, do hereby certify that the above is a true and correct copy of a concurrent resolution, the original of which is on file in my office.

In testimony whereof, I have set my hand and affixed the official seal of my office this 21st day of January, A. D. 1865.

R. A. BARKER,
Secretary of State.

HEADQUARTERS OF THE ARMY, *March* 18, 1865.

Official copy:

J. C. KELTON,
Colonel and Assistant Adjutant General.

HEADQUARTERS DISTRICT OF COLORADO,
Denver, February 13, 1865.

GENERAL: The condition of military affairs in this Territory for the last three months has caused quite a stir at home, and a very great commotion abroad, and justly so. To enable you to properly appreciate the wants and necessities of this people, so as to apply a remedy; to arrive at a desirable conclusion as to the cause of existing hostilities on the part of the Indians; to define my position as district commander, and to lay before you the many difficulties and embarrassments which I have had to contend against since assuming command, as well as to inform you of the steps taken, and the means provided for carrying out the behests of the government and protection of this Territory, I deem it my duty, *first duty*, to give you a concise history of events which may be relied upon for present information and future guidance. Had I been possessed of certain facts from *reliable sources* when I assumed command of this district, on the 4th of January, but a little over a month ago, it might have been possible to arrange matters so as to have fended off part, at least, of the present troubles, which will have (if not, indeed, already) one good effect, viz: to change the policy of the government respecting the treatment of the Indians on the plains. Whatever may have been the origin of the present difficulties, whether the white men or the red were the aggressors, matters not now. We are in every respect the superior of the Indians, and can afford to wage a war of their own choosing, even to extermination.

When I assumed command of this district there were but about two hundred (200) men all told, and they were scattered over an area of three hundred (300) miles, and yet with this command, I was expected to protect the route from Denver to Julesburg, a distance of one hundred and ninety (190) miles, while only forty (40) of the two hundred (200) soldiers were on that line, stationed forty (40) miles from Denver. The balance were on the Arkansas river and at Fort Garland. My district extends about sixty (60) miles on the overland route from Denver, and yet I am called upon to protect as far as Julesburg, in the northeast corner of Colorado Territory, with no troops at my command, while on the north there are plenty, as also from Julesburg to Kearney, which, in my opinion, from what I have seen of them, and heard from reliable sources, had better be sent to some new field of operations. I have special reference to the stations from Kearney to Julesburg. I cannot say who is to blame for this, but it is not the less true. I see every reason why the district of Colorado should embrace the Territory, and none for it being as it now stands defined. Fort Lyon was not in my command when I arrived here, and has but lately been added, which gives me about two hundred and fifty (250) more effective men in the district, but not for operations on the overland route, as they are needed in the southern portion of the Territory to protect the Santa Fé route.

About the end of December, 1864, the 3d regiment Colorado cavalry (one-

hundred-days men) were mustered out of the service, thus denuding the district of troops, and at a time, too, when the Indians had suffered an overwhelming defeat, or been subjected to a wholesale massacre at the hands of Colonel Chivington, then commanding district; (I give you these distinctions, as the people here are divided on the question;) at a time when the Indians were burning for revenge on the white men, women, and children, in retaliation for the killed by Colonel Chivington, commanding, for it is useless to deny this fact; at a time when the severity of the winter prevented the making of a campaign with any hope of success on our side, even had the troops been at my command. In view of these facts, and knowing, as he did, that the Territory would be exposed to Indian assaults and depredations, while denuded of troops, I question much the policy and propriety of the Sand creek battle fought by Colonel Chivington on the 29th of November, 1864. This matter is now under investigation by a commission appointed under instructions from Major General Curtis, so that in course of time it will speak for itself.

After having become possessed of all these facts, I looked around to see what could be done in the premises to save the country. I first made a statement to Major General Curtis, which, by the way, has never been acknowledged, and impressed upon him the necessity for making certain changes and of hurrying out re-enforcements. Finding no response or relief from that quarter, I next called upon the governor regarding the turning out of the militia, which was deemed impracticable, owing to the fact that the law has so many defections. I then suggested to the legislature, which was in session, the propriety of amending the militia law, but no answer came or action taken. In consultation with the governor and other prominent men of the Territory, it was deemed most expedient and best to urge the passage of a bill issuing territorial bonds, which could be cashed at par by moneyed men, and the same used to pay volunteers a bounty for three (3) months' service, and purchase horses on which to mount them, (for there are none in the quartermaster's hands, nor any money to purchase them with;) and these men were to be placed under my command, and used in opening and keeping open the overland stage route. The house and council could not agree on this bill; so after over two weeks' delay, and no good resulted from their action, I was compelled to proclaim martial law, shut up all houses of business, stop all labor and traffic, and keep matters so until they furnished me three hundred and sixty (360) mounted men, which I would arm and equip. These men are now being raised, and I expect by the 20th to have the most of them in the field. My position has been, and is, anything but a pleasant one—isolated from all support, a stranger in the land, cut off from all communication, threatened and attacked by hostile Indians, being in a community divided against itself, and compelled to proclaim martial law, with not a man at my back to enforce obedience to the same; yet I have succeeded by first stirring up the public mind, and preparing it for the result which had to follow, unless I chose to back down, and yield my authority, which no living soldier will do.

I enclose, for your information on this subject, copies of a correspondence between myself, the governor, and the legislature on these troubles, also an article from the Journal, a newspaper published in the mountains, which will define to you my position, and show you what I have had to contend with. I made it my business to visit the mountains officially on the very day when excitement was at the highest pitch. On the day but one after that article was written I addressed a meeting of about fifteen hundred (1,500) citizens, in which I pointed out to them at whose door the blame lay, the duties they owed themselves and the government, and my reasons for proclaiming martial law. I was unanimously sustained, and that night one hundred and twenty (120) men were sworn in for three months. This was the quota required by the governor to fill my call.

I enclose you a copy of the order establishing martial law, as also the governor's call in accordance therewith. To assert your authority *here*, in trying cases, is very different from asserting it in any other portion of the Union.

Men of influence and wealth in the east are interested to a very great amount in the mining companies, so that they readily obtain an official ear in Washington to a one-sided story, which invariably works injustice to those in authority and responsible. I therefore respectfully ask, general, that you forward this, or a copy, to Washington, that I may stand right on the record.

I am not afraid to assume any responsibility commensurate with the surrounding circumstances, and which is for the good of the service; but I *am* afraid of the snake-like winding of *hypocrisy*, backed by a grovelling, sensual desire. If men will adhere to truth, I will cheerfully abide every issue.

In the hope this will prove satisfactory and of use to you in your administration, and satisfy your mind regarding my position and the steps I have taken in the premises,

I have the honor to remain, very respectfully, your obedient servant,

T. MOONLIGHT,
Colonel 11th Kansas Cavalry, Commanding.

Major General G. M. DODGE,
Commanding Department of the Missouri,
Fort Leavenworth, Kansas.

HEADQUARTERS DISTRICT OF COLORADO,
Denver, January 7, 1865.

SIR: As matters now stand in this district (having in a manner no troops) there is great danger of being overrun by the Indians. Troops could at the present time be raised better than at any other time, and now is the time we require them. Will you, as acting governor, communicate with the authorities on the subject (the governor being in Washington) to obtain this authority? It is of immense importance to the Territory, and the only way to receive speedy relief from the danger surrounding, and prevent starvation.

I submit this for your consideration and action, and my name may be used by you in this connexion on your despatches.

Very respectfully, your obedient servant,

T. MOONLIGHT,
Colonel 11th Kansas Cavalry, Commanding.

Hon. SAMUEL H. ELBERT.

HEADQUARTERS DISTRICT OF COLORADO,
Denver, C. T., January 8, 1865.

SIR: Owing to the depredations of Indians, we are, at present, shut up from telegraphic communications with the east, and, therefore, beyond the reach of immediate support from any quarter, leaving us to ourselves to act in the premises. Should the troubles continue, I will be constrained to call on the able-bodied men to muster for the protection of the line of transportation. If you have any special views on the subject, I would be pleased to have them.

Very respectfully, your obedient servant,

T. MOONLIGHT,
Colonel 11th Kansas Cavalry, Commanding.

Hon. S. H. ELBERT,
Secretary and Acting Governor.

HEADQUARTERS DISTRICT OF COLORADO,
Denver, January 9, 1865.

GENTLEMEN: Learning that the legislative body of Colorado Territory is now in session, I respectfully suggest for your consideration the propriety of immediately reorganizing the militia law. Your country is in a manner isolated from the balance of the federal government, on which you depend for supplies Your line of transportation is now inoperative, and it devolves upon you, the representatives of the people, to take a step in a direction that will insure you at least, an active and efficient militia force to guard over your interests. As, matters now stand, the militia must be called out sooner or later, and I make these suggestions that there may be no misunderstanding between the civil and military.

Gentlemen, pardon my intrusion, I mean it for your good.

Very respectfully, your obedient servant,

T. MOONLIGHT,
Colonel 11th Kansas Cavalry, Commanding.

SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Colorado City, Colorado Territory.

HEADQUARTERS DISTRICT OF COLORADO,
Denver, January 17, 1865.

SIR: By reason of the scarcity of troops in th is district, our natural enemies the Indians, have possessed themselves of our lines of communication. They have burned ranches, killed innocent women and children, destroyed government property wherever it was found, driven off the stage stock, killed the drivers and passengers travelling on the coaches; in short, they are making it a war of extermination. We may look in vain for such timely military assistance as will protect the lives and property of settlers; nor can we hope for an eastern communication this winter, unless the citizens of the Territory band themselves together in a military organization, and spring to arms at your call as chief executive. The blood of the innocent and unoffending martyrs cries aloud for vengeance, and starvation stares in the face the living. You nor I cannot longer remain inactive, and be considered guiltless. It devolves upon the militia, as matters now stand to open the overland route, and keep it open until troops can be had from the east to make war on these savages of the plains, until there remains not a vestige of their originality. On behalf of the general government, and on my own responsibility, (trusting to the justice of the cause for my own protection,) I will furnish carbines to the first mounted and accepted company, and rifled weapons of improved pattern to all the balance; also, rations for the same as United States troops, and forage for the animals, with the proper allowance of transportation, and also horse equipments. My scouts inform me that the Indian spies are now prowling around the very skirts of this place, so that, in addition to your call for militia for field service, the city companies should at once be placed on a war footing, having daily drills, with appointed places of rendezvous, that we may not be caught napping.

I am, very respectfully, your obedient servant,

T. MOONLIGHT,
Colonel 11th Kansas Cavalry, Commanding.

Hon. S. H. ELBERT,
Acting Governor, Colorado Territory.

HEADQUARTERS DISTRICT OF COLORADO,
Denver, January 25, 1865.

SIR: I have the honor to acknowledge the receipt of your communication of yesterday, from Golden City, making inquiries as to the number of troops in this district, and the disposition made of them. I will cheerfully give you the desired information.

At Fort Lyon, which has lately been placed in my district, there are about 300 men. The mustering officer, Captain J. C. Anderson, has but returned after completing the organization of the 1st regiment, by consolidating it into six maximum companies. About forty men are at Fort Garland, but these now will be increased to 100. About forty men are at Camp Fillmore, but these will be increased to 100 also, as companies will be stationed together at posts so remote. One company will be stationed here of 100 men in place of the stragglers now doing duty. One company will be divided and stationed at Bijou Basin and Living Springs. This leaves only two companies at Fort Lyon. In addition to these, there are about seventy-five (75) recruits of the 2d Colorado; part of them are now at or near Junction, and the balance will join in a few days. There are about sixty men now at Valley Station, but these must be changed, owing to the new organization. There are about 500 men, all told, for duty, scattered from Fort Lyon, *via* Garland, Fillmore, Denver, and on route to Valley Station, a distance of about 450 miles.

The committee will see from this that so widely spread are the troops, that, even in a case of emergency, it would not be possible to get together more than 200 men in thirty-six hours.

Trusting this may be of service to you in your proceedings, I remain, very respectfully, your obedient servant,

T. MOONLIGHT,
Colonel 11th Kansas Cavalry, Commanding.

D. H. NICHOLS,
Chairman of Committee on Military Affairs.

HEADQUARTERS DISTRICT OF COLORADO,
Denver, January 31, 1865.

SIR: I have been looking eagerly and waiting patiently for the passage of the bill which was designed to relieve the people of this Territory from the ravages of the Indians. That bill was introduced at my suggestion, as the most feasible of all plans to raise troops rapidly and voluntarily for the opening of the overland route, and the keeping of it open until succor could arrive from the States. The Indians are every day becoming more desperate, and to-day there stands not a ranch, out of the many that were between Valley Station and Julesburg, and but very few on this side, and all since the introduction of that bill. I trusted implicitly in the patriotism and fidelity of the legislature, and that their wisdom and judgment would at once foresee the necessity of taking steps to defend their homes, their little ones, and the property of the people whom they represent. Am I mistaken? God forbid! Yet every indication of late seems to blight my fondest hopes. I cannot longer await the action of your honorable body, for this night's despatches from Junction inform me that about three thousand (3,000) Indians are marching up the Platte on both sides. Unless the legislature, within forty-eight hours, does something to relieve suffering humanity, and save this country from ruin and devastation, I will be compelled, much against my will, to proclaim martial law, shut up all houses of business, and force every man able to bear arms into the ranks, and send them

out to protect their brethren, kill off the Indians, and establish permanent communication with the east. I cannot quietly look on and perform my duty to *this people, my country, and my God.*

I have weighed this matter well in my own mind, and what I have stated is my firm resolve, with a lingering hope that your honorable body will yet, and immediately, save this Territory from destruction, and themselves from the indignation of an infuriated people.

I have the honor to remain, very respectfully, your obedient servant,

T. MOONLIGHT,
Colonel 11th Kansas Cavalry, Commanding.

SPEAKER OF THE HOUSE OF REPRESENTATIVES, *Golden City.*

HEADQUARTERS DISTRICT OF COLORADO,
Denver, February 4, 1865.

DEAR SIR: I send this communication by special messenger, and respectfully ask that an answer to this, as well as that of January 31, ultimo, be returned. Time passes, and the danger increases—hence the urgency of my request.

I have been informed from various sources that a portion of the house took exceptions to my letter of the 31st of January, as being threatening and coercive in its tone. Permit me to say that nothing was further from my mind or intention. Liberty is a boon I prize too highly to wilfully deprive others of its blessing, and the course that I fear I must pursue for the salvation of this people is forced upon me by a combination of circumstances which, in my humble opinion, the legislature might, within the past two weeks, have scattered to the winds. This they have not done; therefore I must do something.

On invitation of your honorable body, and on the speaker's stand, in their presence, did I make known my feelings on the Indian question. There I urged the passage of that bill, and there I told them that I was opposed to martial law. My acts have not belied my words; but the time has come when "patience ceases to be a virtue," and when inactivity is a wilful "dereliction of duty." So far, I have been patient in the extreme, though not inactive. I have nothing to retract in my letter of January 31, but will adhere closely to my decision. I may err in addressing the house, and not the council. Should such be the case, it must be attributed to my ignorance of parliamentary rules, for I suppose that a measure of this kind would be acted upon in joint ballot.

I have the honor to be, very respectfully, your obedient servant,

T. MOONLIGHT,
Colonel 11th Kansas Cavalry, Commanding.

Hon. SPEAKER OF HOUSE OF REPRESENTATIVES,
Golden City, Colorado Territory.

HEADQUARTERS DISTRICT OF COLORADO,
Denver, Colorado Territory, February 6, 1865.

SIR: I have the honor to acknowledge the receipt of your communication of the 4th instant, (in behalf of the house of which you are an honorable member,) in which I am informed that the bill authorizing the issuing of $200,000 bonds for the purpose of mounting the militia called for, paying the bounty, &c., was *not* likely to pass; and also that a bill was likely to pass, (superseding the bond bill,) giving bounties to men who would enlist in the two Colorado regiments now in the field, and also that it had been represented to the house, as coming

from me, that a sufficient number of men could be obtained in this way, so as to avoid the necessity of proclaiming martial law.

In reply, I would state that I am very sorry the bond bill did not pass over two weeks ago, for, to my mind, it was the surest and most honorable way that men could be raised and horses procured. I have never stated that a sufficient number of men could be enlisted for the old regiments, so as to meet the exigencies of the case; and even could these men be persuaded to enlist, I have not at present the horses on which to mount them. I should be pleased to see a bill pass authorizing the payment of a liberal bounty to recruits for the 1st and 2d Colorado regiments, for I think the regiments might be recruited up to the maximum; but I am sorry to say that such a bill at this late hour would not meet the necessities of the times. Men and horses must be had immediately, or else we must yield ourselves living sacrifices to inhuman savages; and who of us all are prepared to do this? I beg of you not to defeat the bounty bill because of the lateness of the hour which gave it birth, for, in my estimation, it will be of great assistance and good. I am more than sorry that I have now no other alternative but to proclaim martial law and suspend all business until a sufficient number of men (mounted) are had to open the overland road and protect the frontier settlers of the Territory. When I modified martial law, as it existed under the former district commander, I never expected to be compelled to recreate it with renewed severity.

Accept my thanks for your courtesy, and believe me, with esteem and respect, your obedient servant,

T. MOONLIGHT,
Colonel 11th Kansas Cavalry, Commanding.

Hon. E. T. HOLLAND,
Chairman of Military Committee.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, Missouri, March 9, 1865.

A true copy:

J. F. BENNETT, *A. A. G.*

ADJUTANT GENERAL'S OFFICE, *March* —, 1865.

Official:

——— ———, *A. A. G.*

Testimony of Colonel J. M. Chivington.

Interrogatories propounded to John M. Chivington by the Joint Committee on the Conduct of the War, and answers thereto given by said Chivington reduced to writing, and subscribed and sworn to before Alexander W. Atkins, notary public, at Denver, in the Territory of Colorado.

1st question. What is your place of residence, your age and profession?

Answer. My place of residence is Denver, Colorado; my age, forty-five years; I have been colonel of 1st Colorado cavalry, and was mustered out of the service on or about the eighth day of January last, and have not been engaged in any business since that time.

2d question. Were you in November, 1864, in any employment, civil or military, under the authority of the United States; and if so, what was that employment, and what position did you hold?

Answer. In November, 1864, I was colonel of 1st Colorado cavalry, and in command of the district of Colorado.

3d question. Did you, as colonel in command of Colorado troops, about the 29th of November, 1864, make an attack on an Indian village or camp at a place known

as Sand creek? If so, state particularly the number of men under your command; how armed and equipped; whether mounted or not; and if you had any artillery, state the number of guns, and the batteries to which they belonged.

Answer. On the 29th day of November, 1864, the troops under my command attacked a camp of Cheyenne and Arapaho Indians at a place known as Big Bend of Sandy, about forty miles north of Fort Lyon, Colorado Territory. There were in my command at that time about (500) five hundred men of the 3d regiment Colorado cavalry, under the immediate command of Colonel George L. Shoup, of said 3d regiment, and about (250) two hundred and fifty men of the 1st Colorado cavalry; Major Scott J. Anthony commanded one battalion of said 1st regiment, and Lieutenant Luther Wilson commanded another battalion of said 1st regiment. The 3d regiment was armed with rifled muskets, and Star's and Sharp's carbines. A few of the men of that regiment had revolvers. The men of the 1st regiment were armed with Star's and Sharp's carbines and revolvers. The men of the 3d regiment were poorly equipped; the supply of blankets, boots, hats, and caps was deficient. The men of the 1st regiment were well equipped; all these troops were mounted. I had four 12-pound mountain howitzers, manned by detachments from cavalry companies; they did not belong to any battery company.

4th question. State as nearly as you can the number of Indians that were in the village or camp at the time the attack was made; how many of them were warriors; how many of them were old men, how many of them were women, and how many of them were children?

Answer. From the best and most reliable information I could obtain, there were in the Indian camp, at the time of the attack, about eleven (11) or twelve (12) hundred Indians; of these about seven hundred were warriors, and the remainder were women and children. I am not aware that there were any old men among them. There was an unusual number of males among them, for the reason that the war chiefs of both nations were assembled there evidently for some special purpose.

5th question. At what time of the day or night was the attack made? Was it a surprise to the Indians? What preparation, if any, had they made for defence or offence?

Answer. The attack was made about sunrise. In my opinion the Indians were surprised; they began, as soon as the attack was made, to oppose my troops, however, and were soon fighting desperately. Many of the Indians were armed with rifles and many with revolvers; I think all had bows and arrows. They had excavated trenches under the bank of Sand creek, which in the vicinity of the Indian camp is high, and in many places precipitous. These trenches were two to three feet deep, and, in connexion with the banks, were evidently designed to protect the occupants from the fire of an enemy. They were found at various points extending along the banks of the creek for several miles from the camp; there were marks of the pick and shovel used in excavating them; and the fact that snow was seen in the bottoms of some of the trenches, while all snow had disappeared from the surface of the country generally, sufficiently proved that they had been constructed some time previously. The Indians took shelter in these trenches as soon as the attack was made, and from thence resisted the advance of my troops.

6th question. What number did you lose in killed, what number in wounded, and what number in missing?

Answer. There were seven men killed, forty-seven wounded, and one was missing.

7th question. What number of Indians were killed; and what number of the killed were women, and what number were children?

Answer. From the best information I could obtain, I judge there were five hundred or six hundred Indians killed; I cannot state positively the number

killed, nor can I state positively the number of women and children killed. Officers who passed over the field, by my orders, after the battle, for the purpose of ascertaining the number of Indians killed, report that they saw but few women or children dead, no more than would certainly fall in an attack upon a camp in which they were. I myself passed over some portions of the field after the fight, and I saw but one woman who had been killed, and one who had hanged herself; I saw no dead children. From all I could learn, I arrived at the conclusion that but few women or children had been slain. I am of the opinion that when the attack was made on the Indian camp the greater number of squaws and children made their escape, while the warriors remained to fight my troops.

8th question. State, as nearly as you can, the number of Indians that were wounded, giving the number of women and the number of children among the wounded.

Answer. I do not know that any Indians were wounded that were not killed; if there were any wounded, I do not think they could have been made prisoners without endangering the lives of soldiers; Indians usually fight as long as they have strength to resist. Eight Indians fell into the hands of the troops alive, to my knowledge; these, with one exception, were sent to Fort Lyon and properly cared for.

9th question. What property was captured by the forces under your command? State the number of horses, mules and poneys, buffalo robes, blankets, and also all other property taken, specifying particularly the kinds, quality, and value thereof.

Answer. There were horses, mules, and poneys captured to the number of about six hundred. There were about one hundred buffalo robes taken. Some of this stock had been stolen by the Indians from the government during last spring, summer and fall, and some of the stock was the property of private citizens from whom they had been stolen during the same period. The horses that belonged to the government were returned to the officers responsible for them; as nearly as could be learned, the horses and mules that were owned by private citizens were returned to them on proof of ownership being furnished; such were my orders at least. The poneys, horses, and mules for which no owner could be found, were put into the hands of my provost marshal in the field, Captain J. J. Johnson, of company E, 3d Colorado cavalry, with instructions to drive them to Denver and turn them over to the acting quartermaster as captured stock, taking his receipt therefor. After I arrived in Denver I again directed Captain Johnson to turn these animals over to Captain Gorton, assistant quartermaster, as captured stock, which I presume he did. Colonel Thos. Moonlight relieved me of the command of the district soon after I arrived in Denver, that is to say, on the —— day of ———, A. D. 186–, and I was mustered out of the service, the term of service of my regiment having expired. My troops were not fully supplied with hospital equipage, having been on forced marches. The weather was exceedingly cold, and additional covering for the wounded became necessary; I ordered the buffalo robes to be used for that purpose. I know of no other property of value being captured. It is alleged that groceries were taken from John Smith, United States Indian interpreter for Upper Arkansas agency, who was in the Indian camp at the time of the attack, trading goods, powder, lead, caps, &c., to the Indians. Smith told me that these groceries belonged to Samuel G. Colby, United States Indian agent. I am not aware that these things were taken; I am aware that Smith and D. D. Colby, son of the Indian agent, have each presented claims against the government for these articles. The buffalo robes mentioned above were also claimed by Samuel G. Colby, D. D. Colby and John Smith. One bale of buffalo robes was marked S. S. Soule, 1st Colorado cavalry, and I am informed that one bale was marked Anthony, Major Anthony being in command of Fort Lyon at

that time. I cannot say what has been done with the property since I was relieved of the command and mustered out of service. There was a large quantity of Indian trinkets taken at the Indian camp which were of no value. The soldiers retained a few of these as trophies; the remainder with the Indian lodges were destroyed.

10th question. What reason had you for making the attack? What reasons, if any, had you to believe that Black Kettle or any other Indian or Indians in the camp entertained feelings of hostility towards the whites? Give in detail the names of all Indians so believed to be hostile, with the dates and places of their hostile acts, so far as you may be able to do so.

Answer. My reason for making the attack on the Indian camp was, that I believed the Indians in the camp were hostile to the whites. That they were of the same tribes with those who had murdered many persons and destroyed much valuable property on the Platte and Arkansas rivers during the previous spring, summer and fall was beyond a doubt. When a tribe of Indians is at war with the whites it is impossible to determine what party or band of the tribe or the name of the Indian or Indians belonging to the tribe so at war are guilty of the acts of hostility. The most that can be ascertained is that Indians of the tribe have performed the acts. During the spring, summer and fall of the year 1864, the Arapaho and Cheyenne Indians, in some instances assisted or led on by Sioux, Kiowas, Comanches and Apaches, had committed many acts of hostility in the country lying between the Little Blue and the Rocky mountains and the Platte and Arkansas rivers. They had murdered many of the whites and taken others prisoners, and had destroyed valuable property, probably amounting to $200,000 or $300,000. Their rendezvous was on the headwaters of the Republican, probably one hundred miles from where the Indian camp was located. I had every reason to believe that these Indians were either directly or indirectly concerned in the outrages which had been committed upon the whites. I had no means of ascertaining what were the names of the Indians who had committed these outrages other than the declarations of the Indians themselves; and the character of Indians in the western country for truth and veracity, like their respect for the chastity of women who may become prisoners in their hands, is not of that order which is calculated to inspire confidence in what they may say. In this view I was supported by Major Anthony, 1st Colorado cavalry, commanding at Fort Lyon, and Samuel G. Colby, United States Indian agent, who, as they had been in communication with these Indians, were more competent to judge of their disposition towards the whites than myself. Previous to the battle they expressed to me the opinion that the Indians should be punished. We found in the camp the scalps of nineteen (19) white persons. One of the surgeons informed me that one of these scalps had been taken from the victim's head not more than four days previously. I can furnish a child captured at the camp ornamented with six white women's scalps; these scalps must have been taken by these Indians or furnished to them for their gratification and amusement by some of their brethren, who, like themselves, were in amity with the whites.

11th question. Had you any, and if so, what reason, to believe that Black Kettle and the Indians with him, at the time of your attack, were at peace with the whites, and desired to remain at peace with them?

Answer. I had no reason to believe that Black Kettle and the Indians with him were in good faith at peace with the whites. The day before the attack Major Scott J. Anthony, 1st Colorado cavalry, then in command at Fort Lyon, told me that these Indians were hostile; that he had ordered his sentinels to fire on them if they attempted to come into the post, and that the sentinels had fired on them; that he was apprehensive of an attack from these Indians, and had taken every precaution to prevent a surprise. Major Samuel G. Colby, United States Indian agent for these Indians, told me on the same day that he

had done everything in his power to make them behave themselves, and that for the last six months he could do nothing with them; that nothing but a sound whipping would bring a lasting peace with them. These statements were made to me in the presence of the officers of my staff whose statements can be obtained to corroborate the foregoing.

12th question. Had you reason to know or believe that these Indians had sent their chief and leading men at any time to Denver city, in order to take measure in connection with the superintendent of Indian affairs there, or with any other person having authority, to secure friendly relations with the whites?

Answer. I was present at an interview between Governor Evans on the part of the whites, and Black Kettle and six other Indians, at Camp Weldmar, Denver, about the 27th of September, 1864, in which the Indians desired peace, but did not propose terms. General Curtis, by telegraph to me, declined to make peace with them, and said that there could be no peace without his consent. Governor Evans declined to treat with them, and as General Curtis was then in command of the department, and, of course, I could not disobey his instructions. General Curtis's terms of peace were to require all bad Indians to be given up, all stock stolen by the Indians to be delivered up, and hostages given by the Indians for their good conduct. The Indians never complied with these terms.

13th question. Were those Indians, to your knowledge, referred by the superintendent of Indian affairs to the military authorities, as the only power under the government to afford them protection?

Answer. Governor Evans, in the conference mentioned in my last answer, did not refer the Indians to the military authorities for *protection*, but for *terms* of *peace*. He told the Indians "that he was the peace chief, that they had gone to war, and, therefore, must deal with the war chiefs." It was at this time I gave them the terms of General Curtis, and they said they had not received power to make peace on such terms, that they would report to their young men and see what they would say to it; they would like to do it, but if their young men continued the war they would have to go with them. They said there were three or four small war parties of their young men out on the war path against the whites at that time. This ended the talk.

14th question. Did the officer in command of Fort Lyon, to your knowledge, at any time extend the protection of our flag to Black Kettle and the Indians with him, and direct them to encamp upon the reservation of the fort?

Answer. Major E. W. Wynkoop, 1st cavalry, Colorado, did, as I have been informed, allow some of these Indians to camp at or near Fort Lyon, and did promise them the protection of our flag. Subsequently he was relieved of the command of Fort Lyon, and Major Anthony placed in command at that post, who required the Indians to comply with General Curtis's terms, which they failed to do, and thereupon Major Anthony drove them away from the post.

15th question. Were rations ever issued to those Indians either as prisoners of war or otherwise?

Answer. I have been informed that Major Wynkoop issued rations to the Indians encamped near Fort Lyon while he was in command, but whether as prisoners of war I do not know. I think that Major Anthony did not issue any rations.

16th question. And did those Indians remove, in pursuance of the directions, instructions, or suggestions of the commandant at Fort Lyon, to the place on Sand creek, where they were attacked by you?

Answer. I have been informed that Major Anthony, commandant at Fort Lyon, did order the Indians to remove from that post, but I am not aware that they were ordered to go to the place where the battle was fought, or to any other place.

17th question. What measures were taken by you, at any time, to render the attack on those Indians a surprise?

Answer. I took every precaution to render the attack upon the Indians a surprise, for the reason that we had been chasing small parties of them all the summer and fall without being able to catch them, and it appeared to me that the only way to deal with them was to surprise them in their place of rendezvous. General Curtis, in his campaign against them, had failed to catch them; General Mitchel had met with no better success; General Blunt had been surprised by them, and his command nearly cut to pieces.

18th question. State in detail the disposition made of the various articles of property, horses, mules, ponies, buffalo robes, &c., captured by you at the time of this attack, and by what authority was such disposition made?

Answer. The horses and mules that had been stolen from the government were turned over to the officer who had been responsible for the same; and the animals belonging to Atzins was returned to them upon proof being made of such ownership. The animals not disposed of in this way were turned over to Captain S. J. Johnson, 3d regiment Colorado cavalry, with instructions to proceed with the same to Denver, and turn them into the quartermaster's department. After the command arrived in Denver, I again directed Captain Johnson to turn over the stock to Captain C. L. Gorton, assistant quartermaster, at that place. The buffalo robes were turned into the hospital for use of the wounded as before stated.

19th question. Make such further statement as you may desire, or which may be necessary to a full understanding of all matters relating to the attack upon the Indians at Sand creek.

Answer. Since August, 1863, I had been in possession of the most conclusive evidence of the alliance, for the purposes of hostility against the whites, of the Sioux, Cheyennes, Arapahoes, Camanche river, and Apache Indians. Their plan was to interrupt, or, if possible, entirely prevent all travel on the routes along the Arkansas and Platte rivers from the States to the Rocky mountains, and thereby depopulate this country. Rebel emissaries were long since sent among the Indians to incite them against the whites, and afford a medium of communication between the rebels and the Indians; among whom was Gerry Bent, a half-breed Cheyenne Indian, but educated, and to all appearances a white man, who, having served under Price in Missouri, and afterwards becoming a bushwhacker, being taken prisoner, took the oath of allegiance, and was paroled, after which he immediately joined the Indians, and has ever since been one of their most prominent leaders in all depredations upon the whites. I have been reliably informed that this half-breed, Bent, in order to incite the Indians against the whites, told them that the Great Father at Washington having all he could do to fight his children at the south, they could now regain their country.

When John Evans, governor of Colorado Territory, and ex officio superintendent of indian affairs, visited by appointment the Cheyenne Indians on the Republican fork of the Kansas river, to talk with them in regard to their relations with the government, the Indians would have nothing to say to him, nor would they receive the presents sent them by the government, but immediately on his arrival at the said point the Indians moved to a great distance, all their villages appearing determined not to have any intercourse with him individually or as the agent of the government.

This state of affairs continued for a number of months, during which time white men who had been trading with the Indians informed me that the Indians had determined to make war upon the whites as soon as the grass was green, and that they were making preparations for such an event by the large number of arrows they were making and the quantity of arms and ammunition they were collecting; that the settlers along the Platte and Arkansas rivers should be warned of the approaching danger; that the Indians had declared their intention to prosecute the war vigorously when they commenced. With very few troops at my command I could do but little to protect the settlers except to collect the latest intelligence from the Indians' country, communicate it to General Curtis, commanding department of Missouri, and warn the settlers of

the relations existing between the Indians and the whites, and the probability of trouble, all of which I did.

Last April, 1864, the Indians, Cheyennes, Arapahoes, and others, commenced their depredations upon the whites by entering their isolated habitations in the distant parts of this territory, taking therefrom everything they desired, and destroying the balance; driving off their stock, horses, mules and cattle. I sent a detachment of troops after the Indians to recover the stolen property, when the stock, &c., being demanded of them they (the Indians) refused to surrender the property so taken from the whites, and stated that they wanted to fight the troops. Again, when a few weeks after the country along the Platte river, near Fremont's orchard, became the theatre of their depredations, one Ripley, a ranchman, living on the Bijon creek, near camp Sanborn, came into camp and informed Captain Sanborn, commanding, that his stock had all been stolen by the Indians, requesting assistance to recover it. Captain Sanborn ordered Lieutenant Clark Dunn, with a detachment of troops, to pursue the Indians and recover the stock; but, if possible, to avoid a collision with them. Upon approaching the Indians, Lieutenant Dunn dismounted, walked forward alone about fifty paces from his command, and requested the Indians to return the stock, which Mr. Ripley had recognized as his; but the Indians treated him with contempt, and commenced firing upon him, which resulted in four of the troops being wounded and about fifteen Indians being killed and wounded, Lieutenant Dunn narrowly escaping with his life. Again, about one hundred and seventy-five head of cartle were stolen from Messrs. Irwin and Jackman, government freighters, when troops were sent in pursuit toward the headwaters of the Republican. They were fired upon by the Indians miles from where the Indians were camped. In this encounter the Indians killed one soldier and wouuded another. Again, when the troops were near the Smoky Hill, after stock, while passing through a canon, about eighty miles from Fort Larned, they were attacked by these same Cheyenne Indians, and others, and almost cut to pieces, there being about fifteen hundred Indians. Again, when on a Sunday morning the Kiowas and Camanches were at Fort Larned, to obtain the rations that the commanding officer, on behalf of the government, was issuing to them, they, at a preconcerted signal, fired upon the sentinels at the fort, making a general attack upon the unsuspecting garrison, while the balance of the Indians were driving off the stock belonging to the government, and then as suddenly departed, leaving the garrison afoot excepting about thirty artillery horses that were saved; thus obtaining in all about two hundred and eighty head of stock, including a small herd taken from the suttler at that post.

Again, a few days after this, the Cheyennes and Arapahoes Indians, with whom I had the fight at Sand creek, meeting a government train bound for New Mexico, thirty miles east of Fort Larned, at Walnut creek, who, after manifesting a great deal of friendship by shaking hands, &c., with every person in the train, suddenly attacked them, killing fourteen and wounding a number more, scalping and mutilating in the most inhuman manner those they killed, while they scalped two of this party alive, one a boy about fourteen years of age, who has since become an imbecile. The two persons that were scalped alive I saw a few days after this occurred. Though it occurred within sight of Fort Zarah, the officer commanding considered his command entirely inadequate to render any assistance. But we think we have related enough to satisfy the most incredulous of the determined hostility of these Indians; suffice it to say that during the spring, summer, and fall such atrocious acts were of almost daily occurrence along the Platte and Arkansas routes, till the Indians becoming so bold that a family, consisting of a man, woman, and two children, by the name of Hungate, were brutally murdered and scalped within fifteen miles of Denver, the bodies being brought to Denver for interment. After seeing which, any person who could for a moment believe that these Indians were friendly, to say the least, must have strange ideas of their habits. We could not see it in that light.

This last atrocious act was referred to by Governor Evans in his talk with the Cheyennes and Arapahoes Indians on about the 27th day of September, 1864, at Denver, Colorado Territory. The Indians then stated that it had been done by members of their tribe, and that they never denied it. All these things were promptly reported to Major General S. R. Curtis, commanding department, who repeatedly ordered me, regardless of district lines, to appropriately chastise the Indians, which I always endeavored to do. Major General S. R. Curtis himself and Brigadear General R. B. Mitchell made campaigns against the Indians, but could not find them; the Indians succeeded in keeping entirely from their view. Again, Major General J. P. Blunt made a campaign against the Indians; was surprised by them, and a portion of his command nearly cutto pieces.

Commanding only a district with very few troops under my control, with hundreds of miles between my headquarters and rendezvous of the Indians, with a large portion of the Sante Fe and Platte routes, besides the sparsely settled and distant settlements of this Territory, to protect, I could not do anything till the 3d regiment was organized and equipped, when I determined to strike a blow against this savage and determined foe. When I reached Fort Lyon, after passing over from three to five feet of snow, and greatly suffering from the intensity of the cold, the thermometer ranging from 28 to 30 degrees below zero, I questioned Major Anthony in regard to the whereabouts of hostile Indians. He said there was a camp of Cheyennes and Arapahoes about fifty miles distant; that he would have attacked before, but did not consider his force sufficient; that these Indians had threatened to attack the post, &c., and ought to be whipped, all of which was concurred in by Major Colley, Indian agent for the district of the Arkansas, which information, with the positive orders from Major General Curtis, commanding the department, to punish these Indians, decided my course, and resulted in the battle of Sand Creek, which has created such a sensation in Congress through the lying reports of interested and malicious parties.

On my arrival at Fort Lyon, in all my conversations with Major Anthony, commanding the post, and Major Colley, Indian agent, I heard nothing of this recent statement that the Indians were under the protection of the government, &c.; but Major Anthony repeatedly stated to me that he had at different times fired upon these Indians, and that they were hostile, and, during my stay at Fort Lyon, urged the necessity of my immediately attacking the Indians before they could learn of the number of troops at Fort Lyon, and so desirous was Major Colly, Indian agent, that I should find and also attack the Arapahoes, that he sent a messenger after the fight at Sand creek, nearly forty miles, to inform me where I could find the Arapahoes and Kiowas; yet, strange to say, I have learned recently that these men, Anthony and Colly, are the most bitter in their denunciations of the attack upon the Indians at Sand creek. Therefore, I would, in conclusion, most respectfully demand, as an act of justice to myself and the brave men whom I have had the honor to command in one of the hardest campaigns ever made in this country, whether against white men or red, that we be allowed that right guarranteed to every American citizen, of introducing evidence in our behalf to sustain us in what we believe to have been an act of duty to ourselves and to civilization.

We simply ask to introduce as witnesses men that were present during the campaign and know all the facts.

J. M. CHIVINGTON,
Lieu't Col. 1st Cavalry of Colerado, Com'd'g Dist. of Colerado.

Sworn and subscribed to before me this 26th day of April, 1865.

ALEXANDER W. ATKINS,
Notary Public.

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